

Michigan Constitutional Convention of 1961

Committee Proposal 96a

Const 1963, Art 6, § 19

Relevant Material From the Constitutional Convention Record

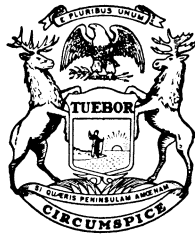
Cross-Reference and Indices	pp. 3436, 3452, 3467
First Reading	pp. 757, 1478-1506, 1621-1623, 1632-1633, 2191
Second Reading	pp. 2690-2693, 2711-2712
Draft Constitution (Art 6, § 19)	pp. 3047-3075 (p. 3061)
Third Reading, Article-by-Article	pp. 3138-3140
Draft Constitution (Art 6, § 19)	pp. 3215-3237 (p. 3226)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 6, § 19)	pp. 3319-3353 (p. 3337)
Address to the People	pp. 3387-3388

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

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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)	
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.

2. Amend line 18, by striking out "SPECIAL STATUTORY" and inserting "ALL".

3. Amend line 20, after "UNLESS" by striking out "THEY" and inserting "SUCH POWERS".

4. Amend line 20, after "ARE" by inserting "MODIFIED OR", so that section i will read as follows:

Sec. i. ALL 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 SUCH POWERS ARE MODIFIED OR ABOLISHED BY LAW.

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

The purpose of the proposed changes of the majority report are to remove the language provided for the absolute abolition of the circuit court commissioner and justice of the peace on or before 5 years from the date of the adoption of the constitution.

It is the belief of the minority that removing the justice of the peace from the constitution provides sufficient flexibility for the legislature to abolish, modify or otherwise replace both of these courts. If this should at any time in the future be necessary and desirable on a statewide basis, it is thought that by leaving this matter completely to the legislature, it will be free to add to the present court system a system of local courts to replace the justice of the peace in parts of the state where this may be desirable. The language of the majority report would, however, abolish these courts throughout the state and does not admit of the possibility that these courts perform necessary functions in many parts of the state.

The circuit court commissioner's court in Wayne county, for example, handles a large volume of work which would of necessity be transferred to other courts already operating with overburdened dockets.

The amendment to the second paragraph of this section would make it clear that all judicial powers being exercised at the time of the adoption of this constitution would continue without the necessity of immediate legislation to replace constitutional powers being abolished or left out of this constitution.

CHAIRMAN VAN DUSEN: For an explanation of section a of Committee Proposal 96, the Chair will recognize the chairman of the committee on judicial branch, Mr. Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, we now turn to the committee proposal which deals with miscellaneous provisions, which will refer to all or certain specific courts and cover certain other particular items which are applicable to all of the proposals that we have considered thus far. In order to explain the position of the committee in this regard, I should like to call upon a gentleman who served with our committee and who was long suffering in the fact that he was the only nonlawyer on the committee. I would at this time call upon the delegate from the city of Detroit, Mr. Barthwell.

CHAIRMAN VAN DUSEN: The Chair will advise the committee that at a meeting of the rules committee this noon it was suggested that Mr. Barthwell be awarded the honorary degree of L.S.L., long suffering layman. (laughter) Mr. Barthwell.

MR. BARTHWELL: Mr. Chairman, fellow delegates, I don't know if this layman has suffered as much as the convention has, because I found out that 20 lawyers can't talk as much as 57 lawyers and some laymen. (laughter) I would like to say, though, that this duty has been an enjoyable one, and I think it was nice that I was here, because when we are going to try to fix up the lay people, they are going to let a layman do the job.

[The supporting reasons for section a were read by Mr. Barthwell. For text, see above, page 1478.]

I would like to state again that the changes in this section are 2: one, all judges of all courts must be lawyers; and 2, no judges shall be paid on a fee system. I would also like to state that, personally, I, as a lay person—although it seems that I am waiving all of my opportunities to cash in on the services that I have put in on this committee—have found out that a nonlawyer could be a judge, although he couldn't practice law. When I agreed with this, though, I was following the established concept that specialization produces the best results. And I, as a lay person, when I go before a court, not only would like to feel that the judge is a lawyer, but would kind of hope that he was an experienced lawyer.

I would like to say that I urge, on behalf of the committee, that this section be adopted.

CHAIRMAN VAN DUSEN: Thank you, Mr. Barthwell. Mr. Danhof, do you have any further explanation?

MR. DANHOF: Mr. Chairman, I think it might be in order, if I can, to request that we consider this particular section sentence by sentence. In this way we can proceed, and if there are amendments, as I note there are, we might be able to take them up by sentence, in the order that they come up in the proposal.

CHAIRMAN VAN DUSEN: Without objection, we will proceed to consider section a of Committee Proposal 96, sentence by sentence. Are there any amendments to the first sentence?

SECRETARY CHASE: Messrs. Radka, Pugsley and Rajkovich offer the following amendment:

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

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Radka and others to the first sentence of section a. Mr. Radka.

MR. RADKA: I have nothing to offer in the way of explanation. I think that probably the amendment is clear, although I believe the words must be read in conjunction with the amendment that is offered as far as the second sentence is concerned, which involves line 10. I will defer until you pass the first sentence.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Radka and others to the first sentence of section a. Mr. Danhof.

MR. DANHOF: I might state for the committee that I think this is a matter that is clarifying rather than changing any intent. It was the particular intent of the judiciary committee that the courts named herein—that is, the supreme court, the court of appeals, the circuit court and the probate court—should by constitution become courts of record. Now, this is a very technical matter, and it has to do with the acceptability of the orders and the records of the court. We further intended that any other courts which might be created by the legislature, as provided in Committee Proposal 90, could be, if the legislature deemed it desirable, designated as courts of record. It is my understanding that the amendment here is merely clarifying, and I see no real objection to it at this time.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Radka and others to the first sentence of section a. Mr. Higgs.

MR. HIGGS: Mr. Chairman, I have one question here. We have had, on style and drafting, certain problems, one of which is the word "such." Normally, the word "such" refers to an antecedent noun. My understanding of the intention, so that we can have that clear before us in style and drafting, is that "such" really refers to "courts of record," is that correct?

MR. RADKA: That is correct.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Radka and others to insert the words "as such" after the word "designated" in line 8, in the first sen-

tence of section a. Those in favor of the amendment will say aye. Those opposed will say no.

The amendment is adopted. Are there further amendments to the first sentence of section a? If not, the secretary will read the second sentence.

SECRETARY CHASE: The second sentence:

[The second sentence was read by the secretary. For text, see above, page 1478.]

CHAIRMAN VAN DUSEN: Are there amendments to the second sentence?

SECRETARY CHASE: Messrs. Radka, Pugsley and Rajkovich offer the following amendment:

1. Amend page 1, line 10, after "courts" by inserting "of record"; so the language will then 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 — et cetera.

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

MR. RADKA: Mr. Chairman, members of the committee, might I first offer to Mr. Higgs the suggestion that rather than "as such," that we might put in the word "so" before "designated," and it would accomplish the same thing. I don't like to have you people in style and drafting work too hard; just so long as you keep the same substantive meaning.

The purpose of the amendment to add the words "of record" is really quite a simple one, as far as we people in the sparsely populated areas of northern Michigan are concerned. We find ourselves presented with this problem. In a lot of counties there are not a whole lot of attorneys. Many counties have one attorney. And we are anticipating what is going to be done in the remaining sections of this particular proposal as far as the justice of the peace courts are concerned. It was our feeling that if at the end of 5 years the layman justice of the peace court was going to be abolished and we found ourselves with no attorneys in our county, we would have no court to serve our people. So we are here offering this amendment, hoping that it will give the legislature the flexibility — and I detest that word at this stage — to provide for a court not of record, and the justice might be a layman, not an attorney; and it is just as simple as that.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Radka, Pugsley and Rajkovich to line 10 of section a of Committee Proposal 96. Mr. Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, as Mr. Radka has pointed out very succinctly, this is the bridge that will have to be crossed. The majority of the committee voted to put in a requirement that all judges and justices of the courts of this state — and that meant all, from the top to the bottom — shall be lawyers licensed to practice law, and shall not assume judicial office after reaching the age of 70. Now, the age of 70 has been written into the constitution for some time. This was the majority view of the committee, and it should be noted here exactly what is transpiring and what will be accomplished by the acceptance of the amendment if that be the will of this committee. I think that it is something that we have to face up to, and something that the convention cannot ignore.

We have left to the legislature to provide in essence for the courts of limited jurisdiction. One of the things they would have had to include is that the judges be lawyers. If the amendment carries, it will limit it to those courts which are courts of record, which are the 4 named above, plus any others so designated by the legislature.

I should like to yield at this time to another member of the committee for some further comments in this regard, the delegate from Battle Creek, Mr. Everett.

CHAIRMAN VAN DUSEN: Mr. Everett.

MR. EVERETT: Mr. Chairman, Mr. Danhof, this matter, as pointed out by the 2 gentlemen who preceded me, is not a simple matter, and would effect quite a vital change from the

committee's action. I would inquire of the committee chairman if he proposes that we extend the debate through this entire section at this time, or if he would prefer that we withhold it, and pick up tomorrow where we leave off today?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Well, I am willing to abide by the wishes of the committee. Mr. Radka has laid the matter out very clearly. I'm not sure how much discussion it will provoke. If it's the will that we conclude, fine. If not, why go ahead, Mr. Everett.

CHAIRMAN VAN DUSEN: You may proceed, Mr. Everett.

MR. EVERETT: How do we determine the will, Mr. Chairman?

CHAIRMAN VAN DUSEN: I would suggest, Mr. Everett, that you proceed.

MR. EVERETT: All right.

CHAIRMAN VAN DUSEN: You have been recognized.

MR. EVERETT: As Mr. Danhof suggested, the term "of record" has a technical meaning, but applied practically, this is what the effect of Mr. Radka's amendment would be: it would change an outright flat statement that all the judges of all of the courts of this state be lawyers to a simple statement that some judges be lawyers and some judges not be.

I know in this convention there are many here who sincerely believe that the justices of the peace, who are nonlawyer justices, perform a valid function for the people. Where we differ on that point, it is an honest difference of opinion, probably based on experiences which are unique to ourselves, and not available to the other side. But I have a strong feeling that within the last couple of days, in particular, there are many delegates here who are suggesting the principle which the judicial committee has set forth — that all judges of all courts should be lawyers — is a valid principle, but. . . . And then they have reasons of their own for rejecting a valid principle for what would appear to be a more expedient course. It is to these delegates that I would address myself. If this is a matter of principle — and to many of us it is — then the principle is simply this: Do we, as a constitutional body, draft a framework for the best possible judicial system in the state of Michigan, or do we not?

Let me say this. I would not suggest for a moment — and I don't think anybody here would suggest — that the framework is the total answer. Because a good system can produce bad judges, and a bad system can produce good judges. But, in the final analysis, the system if it's sound is much more likely to provide a good judiciary and a good judicial system for the people of the state than a bad one is. So to a majority on the committee — and I cannot now recall what constituted that majority, but it is now my recollection that there was not substantial disagreement in this; and if I'm wrong, I'll be corrected — the issue was very clear cut. And I'm glad that Mr. Barthwell was able to present the committee position, because I might say he was one of the most vocal spokesmen on the committee for the idea that no judicial system is sound unless it is manned by men who, as a minimum requirement, are lawyers. To us this was sound.

Now, it has been suggested by many people here that this is a matter which does not concern most of us; it concerns areas where there are not too many people. To those I would submit that the judicial structure of the state of Michigan and the administration of law and justice are vital to every person in the state of Michigan, wherever he may live. Even if you never come in contact with that court in all your existence, the fact that the people of this state are served by a good judiciary or a bad judiciary is a matter of importance, not only to us as delegates, but to every citizen of this state.

It has been suggested, too, that all lawyers do not make good judges — and nobody will quarrel with this. But what we are stating here is that as a minimum requirement this is essential. To some of us, at least, it would be absurd to suggest that in a small county you could license the barber to remove appendixes because the doctor was quite a ways away. You might say, well, he could kill the man that way.

I would remind you that there were many instances in our history in which men yielded their lives before their rights.

And, in the final analysis, the determination of whether your rights are protected or not depends on the judges who sit on the bench. To me this is not a matter of the personalities involved. It is not a matter of whether there are some good justices or some bad justices. There are some of each. It is a question of whether or not any judicial system that is founded upon anything other than a minimum of legal training could possibly serve the needs of the people.

A day or two ago, in discussing this matter with Mr. Radka, I made a facetious remark that ultimately, after this 5 years has gone by, the people might have to live with this situation. And those words have come back to haunt me. I do not accept for a moment the proposition that any part of the state of Michigan is so lacking in abilities, in manpower, that it cannot man a good judicial system.

This morning we took tremendous strides forward to improve the judicial system. It was pointed out then by several men that what we are talking about now is, as far as many people are concerned, far more important than the supreme court; because for every person whose rights are litigated or determined by the supreme court, literally thousands of people will have their rights determined in the probate and in the justice courts. And it is for them that we of the committee are speaking. Not for lawyers; not simply for judges; but for people whose final determination is going to be made there at that level. Appeals from these courts are rare. The cost of appeal is heavy. And the final decision is usually made at that level. And it is going to be made properly and in the interests of justice, or not, primarily on the basis of what type of man mans that court.

Now, this morning, in opening the door to permit the restricting of probate courts and a combination of functions of the probate courts with inferior courts, we have given a partial answer to those who say this cannot be done in the small counties. We have indicated to them a clear way in which it could be done in the small counties, where by combining activities of courts in the small counties they could not only make the court attractive from a financial standpoint, but from the standpoint that they would engage the services of men who would have vital work to perform in these areas. This is one answer to it. There are others. We are not trying to write into the constitution all of the possible answers.

But to me there is one thing unanswerable. How can we leave this convention and go back home and say that we have engrafted something less than the best possible judicial system which was available to us? And that's what we are being asked to do by this amendment. If you believe in the best, if you believe the people of the state of Michigan are entitled to the best, not simply now, but in the future, then I submit you have only one recourse, and that is to vote down this amendment and to support the committee's position. If you accept the possibility, if you accept the premise that some people in this state are not entitled to the best simply because they live in small counties, or because there aren't a lot of them, or because they are not rich, if you are satisfied to saddle them with something less than the best, then you now have your opportunity to do so.

To me, to the majority of the committee, and I'm sure to many other men and women in this convention, we do not have any choice. We must produce the best if it lies within our means to do it. It does lie within our means, and I would urge you to defeat the amendment and to support the committee.

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Mr. Chairman, I've looked around the room, and I see that absenteeism is going up again. I note further there are some amendments to consider on Committee Proposal 95. We have had the 2 basic considerations to be considered in this particular sentence ably put forth by Mr. Radka and Mr. Everett. I think the committee is tired, and at this time I recommend we not take a vote on this matter, and move that the committee do now rise.

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

The motion prevails, and 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. 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 95**, A proposal pertaining to appeals from administrative tribunals. It reports the proposal back to the convention with 2 amendments, recommending the amendments be agreed to and the proposal as thus amended do pass.

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

1. Amend page 1, line 7, after "rights," by inserting "privileges or licenses,"; so that the language will then read:

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.

2. Amend page 1, line 12, by striking out "clearly"; so the language will then read:

... 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: The question is on concurring in the amendments recommended by the committee of the whole. Those in favor will say aye. Opposed no.

The amendments are adopted.

SECRETARY CHASE: Messrs. Faxon, Austin and Nord offer the following amendment:

1. Amend page 1, line 12, by striking out "supported by" and inserting "erroneous in view of the"; so the language will then read:

... in cases in which a hearing is required, whether the same are erroneous in view of the reliable, probative, and substantial evidence on the whole record.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, we have discussed this. This is the original recommendation of the judicial committee, and I would yield to Mr. Danhof, the chairman of the committee, for his comments.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: After we have belabored this within the committee of the whole, Mr. President, I think it becomes evident that perhaps we should return to the original language as was reported out by the majority of our committee. I therefore would recommend the adoption of the amendment and returning to the original language of the committee as it had been brought forth. I will support the amendment.

PRESIDENT NISBET: The question is on agreeing to the amendment offered by Mr. Faxon.

MR. FORD: Mr. President.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: I would like to move, under the rules, for a call of the convention. Only the people who are within the bar of the convention.

PRESIDENT NISBET: Mr. Ford, would you be satisfied if the bell is rung to bring everybody in here? We will ring the bell anyway, and see what happens.

MR. FORD: Mr. President, it is my understanding that on a motion for a call of the convention, if the call is had, only those persons excused from today's session are excused from attending; is that correct?

PRESIDENT NISBET: That is correct.

MR. FORD: Then anyone who has been excused is not a problem, as I understand it. There is some concern over here that you would have to take some people out of a sickbed. We

just want the people who are in the building to come in. We have been debating all day.

PRESIDENT NISBET: The Chair thinks your request, Mr. Ford, will be taken care of by the ringing of the bell. Mr. Knirk.

MR. KNIRK: Mr. President, I do not believe that the bell rings downstairs at all. So I think someone should go downstairs.

PRESIDENT NISBET: Mr. DesRocher, does the bell ring downstairs? Would you, Mr. DesRocher, as sergeant at arms, send somebody downstairs, to see if there's anyone there.

MR. KING: Mr. President.

PRESIDENT NISBET: Mr. King.

MR. KING: A point of parliamentary inquiry. It is my understanding that a call of the convention requires a vote of the majority. I don't believe such a vote has been taken.

PRESIDENT NISBET: We have not had a call of the convention. We are trying to do it informally, Mr. King. Mr. DesRocher.

SERGEANT AT ARMS DES ROCHER: All of the delegates in the building are on the floor, sir.

MR. WALKER: Mr. President.

PRESIDENT NISBET: Mr. Walker.

MR. WALKER: May I ask of Mr. Ford whether that was made in the form of a motion, or just a suggestion? I understood it to be a motion.

PRESIDENT NISBET: Mr. Ford, do you insist on a motion?

MR. FORD: It has just been called to my attention that Dr. Hannah left ill, and was not excused before he left, and I wouldn't want to be caught in a parliamentary maneuver where we would be dragging a sick man out of bed. But I think that we now understand the seriousness of getting everybody in here, even if we have to wait a few minutes to do it.

PRESIDENT NISBET: The Chair is informed by the sergeant at arms that all delegates in the building are now on the convention floor.

The question is on the adoption of Mr. Faxon's amendment. Mr. Chase, would you read the amendment.

SECRETARY CHASE: The amendment is as follows:

[The amendment was again read by the secretary. For text, see above, page 1483.]

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

MR. YEAGER: Mr. President, we have been through this now for quite some time and I would like to urge the defeat of this amendment, because this amendment changes the whole meaning of this particular provision. I would urge the defeat of this amendment at this time. Thank you.

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

MR. UPTON: Can we have a roll call vote, sir.

PRESIDENT NISBET: The demand for a roll call has been made. Is it supported? There is a sufficient number up. Those in favor of the Faxon amendment will vote aye. Those opposed will vote no. Mr. Walker.

MR. WALKER: May we have the amendment read one more time?

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1483.]

PRESIDENT NISBET: Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. BLEDSOE: I want the record to show that my reason for not voting is that I am apprehensive that it may be understood that my vote would be in the nature of a compromise. I want the record to show that I brook no compromise in the position that I have taken on the floor here with reference to this amendment.

The roll was called and the delegates voted as follows:

Yeas—50

Austin	Goebel	Mosier
Barthwell	Greene	Nord
Beaman	Hanna, W. F.	Perlich
Bentley	Hatcher, Mrs.	Prettie
Brown, T. S.	Higgs	Rajkovich
Buback	Hodges	Richards, L. W.
Cushman, Mrs.	Hood	Romney
Dade	Iverson	Sablich
Danhof	Karn	Seyferth
Durst	Kelsey	Snyder
Elliott, Mrs. Daisy	Liberato	Suzore
Everett	Marshall	Walker
Farnsworth	Martin	Wanger
Faxon	McCauley	Wilkowski
Follo	McGowan, Miss	Young
Ford	McLogan	Youngblood
Garvin	Millard	

Nays—67

Allen	Haskill	Pugsley
Anspach	Hatch	Radka
Baginski	Howes	Richards, J. B.
Balcer	Hubbs	Rood
Batchelor	Hutchinson	Rush
Binkowski	Judd, Mrs.	Shackleton
Blanford	King	Shaffer
Bonisteel	Kirk, S.	Shanahan
Boothby	Knirk, B.	Sharpe
Brake	Koeze, Mrs.	Sleder
Brown, G. E.	Krolkowski	Staifseth
Butler, Mrs.	Kuhn	Staiger
Conklin, Mrs.	Lawrence	Stamm
Davis	Leibrand	Stevens
Dehnke	Leppien	Thomson
Dell	Lesinski	Turner
Donnelly, Miss	Lundgren	Upton
Doty, Dean	Ostrow	Van Dusen
Figy	Perras	White
Finch	Plank	Wood
Gadola	Pollock	Woelfenden
Gover	Powell	Yeager
Gust		

SECRETARY CHASE: On the amendment offered by Messrs. Faxon, Austin and Nord, the yeas are 50, the nays are 67.

PRESIDENT NISBET: The amendment is not adopted. Are there any other amendments?

SECRETARY CHASE: Messrs. Faxon, Austin and Nord offer the following amendment:

1. Amend page 1, line 12, by striking out "reliable"; so the language will read, "... in cases in which a hearing is required, whether the same are supported by probative, and substantial evidence on the whole record."

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

MR. HIGGS: Mr. President, point of information.

PRESIDENT NISBET: Mr. Higgs.

MR. HIGGS: I don't think it was clear in the last vote—there seemed to be some confusion in my section of the floor at any rate—as to how that whole sentence read with and without the amendment. I'd like to know how it reads now. That is, in particular, whether the word "clearly" was involved.

SECRETARY CHASE: The word "clearly" was not involved, Mr. Higgs, because of the fact that this was an amendment adopted in the committee of the whole and which was previously approved. The word "clearly" is not in the language.

MR. HIGGS: Then the Faxon amendment was to insert the words "erroneous in view of the" without the "clearly," is that it?

SECRETARY CHASE: That is correct.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Faxon.

SECRETARY CHASE: Which amendment now pending is in line 12, by striking out the word "reliable."

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: I ask for the yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and the nays have been demanded. Is the demand supported? There is a sufficient number up. Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to abstain from casting any further votes on this entire proposal—unless there happens to be one on the desk to strike the whole section—on the basis that I feel that it is legislative in nature and has no place in the constitution.

PRESIDENT NISBET: The question is on the adoption of the amendment. 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—31

Austin	Faxon	Liberato
Baginski	Follo	Nord
Balcer	Ford	Ostrow
Barthwell	Garvin	Perlich
Binkowski	Hatch	Sablich
Brown, T. S.	Hatcher, Mrs.	Snyder
Buback	Hodges	Suzore
Cushman, Mrs.	Hood	Walker
Dade	Kelsey	Young
Durst	Lesinski	Youngblood
Elliott, Mrs. Daisy		

Nays—87

Allen	Gust	Powell
Andrus, Miss	Hanna, W. F.	Prettie
Anspach	Haskill	Pugsley
Batchelor	Heideman	Radka
Beaman	Higgs	Rajkovich
Bentley	Howes	Richards, J. B.
Blandford	Hubbs	Richards, L. W.
Bonisteel	Hutchinson	Romney
Boothby	Iverson	Rood
Brake	Judd, Mrs.	Rush
Brown, G. E.	Karn	Seyferth
Butler, Mrs.	King	Shackleton
Conklin, Mrs.	Kirk, S.	Shaffer
Cudlip	Knirk, B.	Shanahan
Danhof	Koeze, Mrs.	Sharpe
Davis	Kuhn	Sleder
Dehnke	Lawrence	Stafseth
Dell	Leibrand	Staiger
Donnelly, Miss	Leppien	Stamm
Doty, Dean	Lundgren	Stevens
Erickson	Martin	Thomson
Everett	McCauley	Turner
Farnsworth	McGowan, Miss	Upton
Figy	McLogan	Van Dusen
Finch	Millard	Wanger
Gadola	Mosier	White
Goebel	Perras	Wood
Gover	Plank	Woelfenden
Greene	Pollock	Yeager

SECRETARY CHASE: On the adoption of this amendment to strike out of line 12 the word "reliable," the yeas are 31; the nays are 87.

PRESIDENT NISBET: The amendment is not adopted. Are there any further amendments?

SECRETARY CHASE: Mr. T. S. Brown has an amendment:

1. Amend page 1, line 7, after "licenses," by inserting "and to which the state is a party in interest."

PRESIDENT NISBET: Mr. Brown.

MR. T. S. BROWN: Mr. President, members of the convention, again, a synopsis of what I mentioned the first time in our committee of the whole. This amendment would have the net effect, I think, of meeting the objections of most of us who were concerned about the scope of this review, and most of us who were concerned especially about the workmen's compensation section. It would retain the essence of what is good, in the minds and hearts of all of us, I think, in the one version of this particular proposal—and we did want to protect individuals who appeared before the state and state

agencies—in that it would be applicable only to those situations in which an individual or a corporation or a partnership or anyone appeared in a situation vis a vis a state agency; and would preclude this type of broad appeal in a situation where the state was only acting as an arbitrator, and where you did not have a state agency directly involved as a party. It would, therefore, not inject the state as a party in what would otherwise be a private contractual matter and a matter of private litigation. I demand the yeas and the nays.

PRESIDENT NISBET: The yeas and the nays have been demanded. Is the demand supported? There is a sufficient number up. The question is on the amendment offered by Mr. Brown. Those in favor will vote aye. Those opposed—

MR. FORD: Mr. President.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: I would like to offer a motion at this time, in light of what has been said from the other side of the floor, and the possibility of settling a very controversial matter in this convention, to postpone further consideration of this matter until Thursday morning, or until we complete the rest of the judiciary article, whichever occurs first.

PRESIDENT NISBET: The question is on the motion of Mr. Ford. Mr. Ford, would you repeat your motion, please?

MR. FORD: The motion is to postpone further consideration of Committee Proposal 95 until Thursday morning, or until we complete the judiciary article, whichever occurs first.

PRESIDENT NISBET: Mr. Ford, would you make your motion definite, either one way or the other?

MR. FORD: Mr. Danhof assures me we won't be through Thursday, so I'll make it until Thursday morning.

MR. LUNDGREN: Mr. President, a point of order.

PRESIDENT NISBET: Mr. Lundgren.

MR. LUNDGREN: Hasn't the vote already been called for?

PRESIDENT NISBET: The motion is in order since the Chair had not completed calling for the vote before it was made. The motion is by Mr. Ford to postpone action until Thursday. Those in favor will say aye. Those opposed will say no.

The motion does not prevail. The question is on the amendment of Mr. Brown. Mr. Hodges.

MR. HODGES: I just want to make a last ditch plea here that all the people, especially from the rural areas, who have expressed the problems they have been faced with before administrative agencies, will not be affected by this amendment.

MR. BOOTHBY: Point of order, Mr. President. I believe the vote has been called for.

PRESIDENT NISBET: Mr. Hodges may make his remarks. The vote was not completely called for.

MR. HODGES: I just again point this out. This strictly helps to affect these areas of compensation where the state is not a party and is not oppressing the small individual, be he a farmer or small businessman. Again, I just ask and solicit the support of those from the rural areas that are not affected by this. This still meets the genuine problem that you face, without affecting and making detrimental the procedures with regard to the workmen of this state.

PRESIDENT NISBET: The question is now on the amendment. 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—32

Austin	Garvin	Ostrow
Baginski	Greene	Perlich
Balcer	Hatcher, Mrs.	Powell
Barthwell	Hodges	Prettie
Binkowski	Hood	Snyder
Brown, T. S.	Kelsey	Suzore
Buback	Krolikowski	Walker
Cushman, Mrs.	Liberato	Wilkowski
Dade	Mahinske	Young

Elliott, Mrs. Daisy Faxon	McCauley Nord	Youngblood
Nays—83		
Allen	Gust	Pugsley
Anspach	Hanna, W. F.	Radka
Batchelor	Haskill	Rajkovich
Beaman	Hatch	Richards, J. B.
Bentley	Heldeman	Richards, L. W.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hubbs	Rush
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Shanahan
Oudlip	King	Sharpe
Danhof	Kirk, S.	Sleder
Davis	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Kuhn	Stamm
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leibbrand	Thomson
Durst	Leppien	Turner
Erickson	Lundgren	Upton
Everett	Martin	Van Dusen
Farnsworth	McGowan, Miss	Wanger
Figy	McLogan	White
Finch	Millard	Wood
Gadola	Mosier	Woolfenden
Goebel	Perras	Yeager
Gover	Plank	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. T. S. Brown, the yeas are 32, the nays are 83.

PRESIDENT NISBET: The amendment is not adopted. Are there further amendments?

SECRETARY CHASE: Messrs. Bledsoe and Krolkowski offer the following amendment:

1. Amend page 1, following line 4, by striking out all of section a, lines 5 through 13.

PRESIDENT NISBET: The question is on the amendment as offered by Mr. Bledsoe and Mr. Krolkowski.

MR. BOOTHBY: Mr. President, I call for the yeas and nays.

PRESIDENT NISBET: The yeas and the nays have been demanded. Is the demand supported? There is a sufficient number up. Mr. Ford.

MR. FORD: I hope everyone realizes that we are at a very important point of this convention in the view of a number of delegates here. Some of us are in a position where we are making a decision that could very well be determinative of much more than the importance of what appears to be the reason for this section. Now, I tried to get this deferred, in line with what Mr. Martin suggested: that we ought to get our heads together if we are seriously interested in trying to work out something. But if we're going to go ahead and be bullheaded about it and insist on voting on this, and we vote down this amendment, we had a ruling this morning that we can't get it back before this convention again. And I submit that we are about ready to take a step that is important enough so that we ought to be cautious.

Now, we are in a parliamentary position where I don't know of any other way, if we don't defer this thing, to leave the door open to work this thing out between the 2 parties. There is no doubt in anybody's mind right now that it is a partisan issue. If you want to work out this thing and you want to try to work in a spirit of compromise, let's do it. I urge you to do something at this point towards that end, and not insist on taking a vote here that is going to preclude any further consideration of the possibility of compromise in this area. It is a very vital thing to many of us here now. I don't think there can be any doubt in anyone's mind about that. One way we can accomplish the possibility of working on this would be to vote for the amendment, leaving no section in here, and then adding it in as we go through the judiciary article.

PRESIDENT NISBET: Mr. Krolkowski.

MR. KROLIKOWSKI: Mr. President, the amendment is based on the recognition that the committee proposal in its present form compels review de novo on the record of all ad-

ministrative findings and decisions. Secondly, that the equating of judicial or the equating of adjudicative and legislative acts in the light of the Brown amendment will undermine the entire regulatory process of administrative agencies.

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President, I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is the demand seconded? There is a sufficient number up. The question now is: shall the main question be put?

MR. NORD: Mr. President, a parliamentary inquiry. Am I correct in assuming that when the previous question is moved, that there are at that point available a number of other motions that take precedence—about 6 of them, or thereabouts—and that each one of these could be moved if we were so inclined?

PRESIDENT NISBET: Mr. Nord, the previous question has not been ordered yet.

MR. NORD: Mr. President, I would like to move that we adjourn.

PRESIDENT NISBET: The question is on adjournment. Those in favor will say aye. Those opposed, no. The Chair is in doubt. Those in favor of adjourning 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 adjourn, the yeas are 48, the nays are 71.

PRESIDENT NISBET: The motion does not prevail. The question now is: shall the main question now be put? Mr. Walker.

MR. WALKER: Mr. President, in that I cannot believe that this is a sincere effort to shorten the procedure here, but merely another form of a gag rule, I ask the yeas and nays, so we might see who is who.

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

PRESIDENT NISBET: He is just asking for the yeas and nays, Mr. Iverson. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, a preferential motion. I move that the debate on the pending question be limited to 15 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen to limit debate to 15 minutes. Those in favor will say aye. Opposed, no.

The motion prevails. The debate is limited to 15 minutes. The Chair recognizes Mr. King.

MR. KING: Mr. President, fellow delegates, I'll be very brief. I just want to correct one error that Mr. Krolkowski made. He said that this provides for a review de novo. Obviously it doesn't, and I'm sure he knows that. And I would yield to him if he wishes to speak at this time.

PRESIDENT NISBET: Mr. Krolkowski.

MR. KROLIKOWSKI: Mr. President, I believe that the statement I made was that it would require, as a minimum, review de novo on the record. And I still stand firmly on that position. I say it is review de novo on the record.

MR. KING: On the record.

MR. KROLIKOWSKI: That's review de novo on the record, and in light of the words "reliable, probative, and substantial evidence on the whole record."

MR. KING: Mr. President, it does provide for a review on the record, but the words "de novo" are very misleading here. Perhaps Mr. Krolkowski could tell me what review is not review de novo on the record?

MR. KROLIKOWSKI: Well, as counterdistinguished from a trial de novo, I say there is a review de novo on the record.

MR. KING: Thank you, Mr. Krolkowski.

MR. KROLIKOWSKI: Let me reaffirm that this is the minimal requirement.

MR. KING: I understand that. Then let me again state that we are obviously not talking about de novo review as most people understand it. We are talking about a review on the record, and how the words "de novo" got in there I have no idea. But I would suggest that at this time—I don't want

to protract this debate—I think all of the pros and cons have been heard on the thing. I can't really believe that anyone would refute the right of a review, which takes away by judicial or quasi judicial hearing substantive rights of the people of the state of Michigan.

PRESIDENT NISBET: The Chair recognizes Mrs. Hatcher.

MRS. HATCHER: Mr. President and fellow delegates, I'm not sure that what I have to say at this time will mean anything to any other delegates, but it certainly does mean quite a bit to me as a citizen of this state. For many reasons, I feel moved to rise at this time and to say that this Committee Proposal 95 is a subterfuge, and certainly I support the things that Mr. Marshall said a few moments ago concerning this particular proposal. I also want to take this opportunity to compliment the proponents of this amendment for their serious forecast in setting forth this amendment to strike out the entire Committee Proposal 95. I sincerely believe that the state and the citizens would benefit by the deletion of Committee Proposal 95 of this committee's report.

PRESIDENT NISBET: Mr. Brown.

MR. G. E. BROWN: Mr. President, members of the convention, I think that we should clarify something that Mr. Ford said a moment ago. He said that, in effect, you are doing something which cannot be undone. As a practical matter, the amendment conceivably could not come up for reconsideration as it presently appears, but a nullity could be written into the present proposal, or in lieu of the present proposal, which would accomplish exactly what the present amendment wishes to do. Therefore, I think that what he has said should be considered in the light of the explanation, and if there is to be a getting together, so to speak, as he has suggested, it is no more precluded now than it would be if the amendment passed or did not pass.

PRESIDENT NISBET: The Chair recognizes Mr. Nord.

MR. NORD: Mr. President, a certain delegate has repeated on the floor 3 times today that he can't believe that anyone can be against Committee Proposal 95. Many of us here have voted against Committee Proposal 95 and against various pieces of it over and over again. Therefore, I think he should be able to believe that some of us are against it, and I say to him: believe, believe. (laughter).

PRESIDENT NISBET: The question is on the adoption of the amendment. The yeas and nays have been ordered. Those in favor of the amendment will vote aye. Those opposed will vote no.

MR. LEIBRAND: Mr. President, may I understand clearly what I am voting on?

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Messrs. Krolkowski and Bledsoe offer the following amendment which is now being voted upon, amend the body of Committee Proposal 95 by striking out all of section a.

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—35

Austin	Follo	Marshall
Baginski	Ford	Nord
Balcer	Garvin	Ostrow
Barthwell	Greene	Perlich
Binkowski	Hatcher, Mrs.	Sablich
Bledsoe	Hodges	Snyder
Brown, T. S.	Hood	Suzore
Buback	Kelsey	Walker
Cushman, Mrs.	Krolkowski	Wilkowski
Dade	Lesinski	Young
Elliott, Mrs. Daisy	Liberato	Youngblood
Faxon	Mahinske	

Nays—85

Allen	Hanna, W. F.	Pollock
Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettle
Batchelor	Hedeman	Pugsley
Beaman	Higgs	Radka

Bentley	Howes	Rajkovich
Blandford	Hubbs	Richards, J. B.
Bonisteel	Hutchinson	Romney
Boothby	Iverson	Rood
Brake	Judd, Mrs.	Rush
Brown, G. E.	Karn	Seyferth
Conklin, Mrs.	King	Shackleton
Cudlip	Kirk, S.	Shaffer
Danhof	Knirk, B.	Shanahan
Davis	Koeze, Mrs.	Sharpe
Dehnke	Kuhn	Sleder
Dell	Lawrence	Stafseth
Donnelly, Miss	Leibrand	Staiger
Doty, Dean	Leppien	Stamm
Durst	Lundgren	Stevens
Erickson	Martin	Thomson
Everett	McCauley	Turner
Farnsworth	McGowan, Miss	Upton
Figy	McLogan	Van Dusen
Finch	Millard	Wanger
Gadola	Mosier	White
Goebel	Perras	Wood
Gover	Plank	Yeager
Gust		

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Krolkowski and Bledsoe, the yeas are 35, the nays are 85.

PRESIDENT NISBET: The amendment is not adopted.

Committee Proposal 95, as amended is referred to the committee on style and drafting.

Following is Committee Proposal 95 as amended and referred to the committee on style and drafting:

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

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.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. It has adopted one amendment, has considered another amendment thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: The committee on legislative powers, subcommittee 1, will meet in room H today immediately following the session. The subject: the legislative auditor. Mr. Richard Kuhn, chairman of the subcommittee.

We have the following requests for leave of absence: Mr. Arthur Elliott requests leave of absence from next Monday's session to attend a church meeting which has been scheduled for several months, and Mr. Madar wishes to be excused from the sessions of March 12, 13 and 14 due to a conference in Chicago which was arranged 1½ years ago.

PRESIDENT NISBET: Without objection, they are excused.

The Chair recognizes Mr. Ostrow.

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

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

The motion prevails and we are adjourned until tomorrow morning at 9:30.

[Whereupon, at 5:20 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Wednesday, March 7, 1962.]

NINETY-FOURTH DAY

Wednesday, March 7, 1962, 9:30 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our invocation this morning will be given by Dr. Paul F. Elliott, president of the Owosso College.

DR. ELLIOTT: Let us pray. Father God, into Thy presence we humbly bow this morning with a heart filled with praise and thanksgiving and gratitude to Thee from whom all blessings flow. We recognize that every good and every perfect gift cometh from Thee. And at this season of the year, the opening of Lent, Ash Wednesday, we say in the words of the Psalmist David, "Search me, O God, and know my heart; try me and know my thoughts."

We come to Thee this morning in prayer, knowing that Thou art interested in each one of us. We thank Thee, as we enter this season leading to Easter, that we are reminded again and again of Thy great love and Thy thoughtfulness for us in providing for us a Redeemer. And as we enter the season of Lent, may we do so with a heart of prayer asking for divine guidance.

As we confess to Thee our need, especially do we pray today for this assembly. And as Thou, O God, did guide that early constitutional convention in the formation of the constitution for this great nation, I pray that Thou would give divine wisdom and understanding to this faithful, devoted group of delegates that have assembled today. May they receive that understanding and wisdom that only comes from God. May Thy blessing and benediction be upon each of our lives today, for we ask it in the name of our Lord. Amen.

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

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. Hood requests temporary leave. He is unavoidably detained; Mr. Lee Walker wishes to be excused from today's session; Mr. DeVries phoned in that at 6:22 a.m., a 7 pound 11 ounce baby boy arrived. (applause) This is the fourth boy. He reports mother and son doing fine.

PRESIDENT NISBET: Incidentally, he is not doing so well. (laughter) The baby was born at 6:22. He got there at 11:30. (laughter)

Without objection, the requests for leave are granted.

SECRETARY CHASE: Absent with leave: Messrs. Anspach, DeVries, Donald Doty, Hood, Murphy, Pellow, Tweedie and Walker.

Absent without leave: Mr. Norris.

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

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. Donald Doty, Hood and Norris.]

Reports of standing committees.

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, reports back to the convention **Resolution 80**, A resolution requesting that religious bodies of this state offer prayers for the success of the convention; with amendments, recommending the amendments be agreed to and that the resolution as thus amended be adopted.

The following are the amendments recommended by the committee:

1. Amend the first resolving clause, line 4, by striking out the semicolon after "convention" and inserting a period.

2. Amend the first resolving clause, line 5, by striking out "and be it further".

3. Amend the second resolving clause by striking out all of the language.

Richard C. Van Dusen, chairman.

For Resolution 80 as offered, see above, page 1325.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, a few brief remarks on the amendments first. The only purpose of the amendments was to strike matter which the rules committee felt was perhaps a little bit redundant. It does not in any way change the substance of the resolution, which requests organized religious groups to seek divine guidance for the work of the constitutional convention. For a further explanation of the resolution, I would yield to Mr. Bentley who, with Vice Presidents Hutchinson, Downs and Romney, are the sponsors of the resolution.

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, there have been times during the last few weeks when the actions of the constitutional convention somewhat remind me of the words of that beautiful old spiritual, Standing in the Need of Prayer.

Mr. President, I think the resolution is self obvious. I think the fact that the 3 vice presidents were kind enough to join with me in cosponsoring this resolution speaks for itself. The fact that all of us, I am sure, can appreciate the need for divine help and guidance at times indicates that this one, I am sure, would be accepted and acceptable to everybody in the convention. I do not intend to make any further remarks because I think any remarks of mine would be superfluous at this time, but I would, Mr. President, just like to read a very brief editorial regarding this particular resolution that appeared in the Detroit News on March 1, which says:

A resolution proposed in the constitutional convention asks delegates to urge all members of organized religions in the state to "offer prayers for divine help and guidance" in their work.

The delegates appear to be in need of help and guidance from whatever good source there might be.

And noting that the resolution sponsors are the convention's 3 vice presidents, Edward Hutchinson, George Romney and Tom Downs, plus Delegate Alvin M. Bentley, whose idea it was, we suspect that any intervention which could help just these 4 gentlemen to reach agreement on the issues would solve most of con con's problems.

(laughter) Thank you, Mr. President.

PRESIDENT NISBET: The question is on the amendments as recommended by the committee on rules and resolutions. Those in favor will say aye. Opposed, no.

The amendments are adopted. The question is now on the resolution as amended. Those in favor will say aye. Opposed, no.

Resolution 80, as amended, is adopted.

Following is Resolution 80 as amended and adopted:

A resolution requesting that religious bodies of this state offer prayers for the success of the convention.

Whereas, The people of the state of Michigan are greatly desirous of the success of this constitutional convention; and

Whereas, The people of our state and our nation are a deeply religious people, being accustomed to seeking divine assistance in times of trial and trouble; and

Whereas, It seems appropriate to seek such assistance and intercession from almighty God through the medium of prayer on behalf of the work of the constitutional convention; now therefore be it

Resolved, That the delegates of the constitutional convention respectfully request and urge all members of organized religious bodies within the state of Michigan to offer prayers for divine help and guidance in their work and looking toward the ultimate success of the convention.

SECRETARY CHASE: That is the only standing committee report, Mr. President.

PRESIDENT NISBET: Report of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: Third reading.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the order of unfinished business, the president lays before the convention **Resolution 72**, A resolution amending rule 57 of the rules of the convention; which was reported from the committee on rules and resolutions on Monday and under the rules laid over for 2 days.

For Resolution 72 as offered, see above, page 1067.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: Mr. President, the purpose of this rule change is to eliminate from the rules the automatic reference of committee proposals to the committee of the whole immediately prior to their consideration on third reading.

The order of consideration of committee proposals, as the delegates all know, under rule 57 is that when they are referred from the substantive committees which propose them to the convention, they are immediately placed on the order of general orders and considered in the committee of the whole. From thence, they go to the committee on style and drafting, and they come back to the convention where they are considered by the full convention in the order of second reading. They are then rereferred to the committee on style and drafting, and thence back to the full convention. Under the rules as they presently stand, at that point they would again automatically be considered in committee of the whole before being considered by the full convention on third reading.

It is the opinion of the rules committee that because our exploration of committee proposals in committee of the whole at this stage of our proceeding has been so complete and thorough, and because it has been so lengthy, and because we have frequently found it necessary to repeat the debate immediately after the committee of the whole rises, that it would be desirable to eliminate the automatic reference to the committee of the whole prior to consideration of proposals by the convention on third reading. This would not prevent, of course, any delegate from appropriately moving the convention resolve itself into the committee of the whole with respect to any article or section of the new constitution before its consideration on third reading, but it would simply eliminate the automatic reference to the committee of the whole at that point.

The committee on rules and resolutions was substantially unanimous. I believe we had one abstention in reporting this rule change to the floor. We urge its adoption.

PRESIDENT NISBET: The question is on the adoption of the resolution to change the rules. Mr. Nord.

MR. NORD: Mr. President, I would like to make it clear that the abstention was not my abstention. I voted in accordance with the resolution. I believe that we will have approximately 3 months of debate, from the looks of things on the first reading, and if we were to consider the possibility of repeating that on the third reading, it would be an absolute catastrophe.

As Mr. Van Dusen has pointed out, we can go back into the committee of the whole when the majority of the people see fit to do so, but we don't need to go automatically. And I call your attention, delegates, to the schedule that we have had put on our desks this morning. From this you will see that this looks forward to an adjournment on April 14 but if you look at the dates between that date and today, you will see that, in my opinion, it is utterly fantastic that we can meet that deadline, because there are only 2 days between the first 2 deadlines and so on. There are very, very few days between each deadline. It seems to me impossible that we can meet this much, even, and it is not a bit unlikely that it will take another month at the least, even if the resolution before us now passes. That would bring us to May 15. May 15, I understand, is the last day that delegates will be paid.

I am not in accord with those that think that the convention can appropriate money or get money in any other way, and my feeling is that there will be a great many delegates disappearing if the money should run out. I think the delegates will run out the same time as the money runs out, and I believe at that point it will be impossible to get 73 votes for anything, even for the present constitution. This would be a real catastrophe to the people of the state, not even to have the opportunity to vote on whatever our deliberations may result in. Therefore, I think it is absolutely indispensable. I see no way out. I am not enthusiastic about it, but I think we must do it and that is the only reason I voted in accordance with the committee's report.

PRESIDENT NISBET: The question is on the resolution. Mr. Faxon.

MR. FAXON: I would like to ask a question of Mr. Van Dusen through the Chair. I understood that the rules that were adopted were based upon the experience of previous constitutional conventions. Was this particular item which we are being asked to delete now a procedure that was used effectively in other constitutional conventions? Or could you just give me some basis as to why this was originally used as part of our rules.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: I don't know the answer to your precise question, Mr. Faxon. However, the experience of the 1907-1908 constitutional convention in the order in which it proceeded is somewhat different than the manner in which we have been proceeding. That convention went almost directly from first consideration in committee of the whole to second reading on proposals. We are, as you know, proceeding completely through committee of the whole before we get to second reading. That, I think, is an important substantive difference and justifies the difference which we propose in our rules.

MR. FAXON: Excuse me. I just want to ask one more question. I thought that perhaps this might have been the practice in the constitutional conventions that were more recently held in the new states of Alaska, Hawaii, or perhaps in Missouri or New Jersey, that this type of procedure had been proven to some extent. Do you have any reference to that?

MR. VANDUSEN: I would suggest, Mr. President and Mr. Faxon, that our rules are based very largely on the rules which applied in the 1907-1908 constitutional convention in the state of Michigan. We worked, in the committee on permanent organization and rules, from a draft prepared by Professor Pierce, of the University of Michigan, and he worked initially with the 1907-1908 rules and with the rules of the Michigan house of representatives.

MR. FAXON: Well, Mr. President, I just want to make one statement then. I have looked upon this area, the third reading, as the most vital portion of our proceedings when it comes to finally understanding what our work is, and at this point, when we have taken all this time, it would indeed be unfortunate if we were to attempt to expedite business to the detriment of our understanding exactly what it is that is being done. So I, for one, would prefer to see the present rule stay, in the hopes that the delegates would exercise sufficient restraint and only question those areas where there is

need to question, but at the same time we are capable of preserving the rules that we have been working under all this time. Thank you.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I want to add to what Delegate Faxon said and speak against the resolution. A moment ago here we adopted a resolution that called upon all of the religious denominations to pray for the success of the convention, and I am wholeheartedly in favor of that. We could have added to that also that we ask them to pray for the delegates that they can lay aside their selfish, narrow interests and remove politics from this convention and get on with the task of writing the constitution. Committee of the whole on third reading is one of the most important parts of the rules. I do not want to have this convention go on any longer than any of the rest of you, but the only place where there is any lengthy debate is where there are very serious basic disagreements.

There have been many proposals on the floor of this convention which we have gone through rapidly. On legislative powers, one day here we went through 7, 8, 9 or 10 proposals in about 6 or 7 minutes. I don't want to see a situation develop where, when we come to third reading and there are 1, 2, 3 or 4 major issues where there is sincere and honest and basic disagreement among the delegates, we have the situation where we have happen what happened here yesterday, where we spent all morning, practically, debating on some minor amendment that was offered by the majority; then have someone get up and move the previous question without even giving the sponsors of the minority report an opportunity to be heard. I do not believe this is in good taste, and it has been used of recent date on several occasions. On one occasion it was used where the delegate had not been recognized by the Chair, where there were other people ahead of him seeking recognition, and he jumped up out of nowhere and moved the previous question. And I asked a question on a parliamentary inquiry on another occasion, "How do you get the floor in this convention? Do you walk up to the microphone as a gentleman, address yourself to the Chair in an orderly fashion and request recognition? Or do you do, as has happened on 1 or 2 occasions, jump up out of nowhere, or jump up on my desk and scream for recognition or 'I move the previous question'?" I don't think we do it in accordance with the last procedure.

I want to forewarn the delegates I do not wish to accuse the sponsors of this resolution of attempting to apply a gag rule. I can see their concern for wanting to conclude the convention as rapidly and as speedily as possible. But also I want to bring to your attention the 1 or 1½ weeks of haste and waste we had in writing our committee reports; that we would have been much better off there had we spent less time on public hearings and listening to political scientists tell us what was in the text books, and spent a little more of that time on our deliberations in writing the committee proposals. Had we done that, I do not believe it would have been necessary to have had some of the long and lengthy debate that we have had here on the floor of the convention, because there have been proposals that have come before this convention that the committee itself didn't even understand and couldn't explain after we had written it in the committee. That was solely because we did it, in some of these committees, in 5 days, 6 days or 7 days, and in some cases even 2 or 3.

I don't believe that I have abused my privilege in the committee of the whole. I do not intend to abuse that privilege. But I object to being put into a situation where, after we complete second reading and we are then prepared to proceed to third reading—and you would narrow these differences and disagreements down after you go through the committee of the whole on second reading. You won't have as many on third reading. But there might be 1, 2 or 3 major basic disagreements. And I feel that if there are, in the interests of a sound document, in the interests of whether or not it is going to be accepted by the people of this State, we should not adopt this resolution and make it permissible to apply a gag rule on third reading. At this time, Mr. President, I would like to move that we table the resolution.

PRESIDENT NISBET: The question on the motion of Mr. Marshall that this resolution be tabled is not debatable. Those in favor say aye. Those opposed, no.

The motion does not prevail. The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, members of the convention, I have just 3 comments to make on this as a member of the committee who voted in favor of this resolution. First of all, to Mr. Marshall's comments, I would like to say that all good things must come to an end, including unlimited debate. The second thing I would like to say is that on third reading, if something comes up which is unusual and does require extended informal discussion, we can at any time by special motion resolve into committee of the whole for the consideration of that item. Finally, I would like to say that when I voted in favor of this resolution, I did so in the firm conviction that every delegate at this convention was here to stay here until the job was done, whether his pay kept going or not.

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

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

PRESIDENT NISBET: If he cares to answer.

MR. DOWNS: In case the convention wishes to consider dividing the document that is presented to the people—and I do not believe we can do that until we have at least gone through second reading—I wondered if the chairman of the rules committee would apprise me at what time he thinks that can best be handled, and whether it would best be handled in committee of the whole or the full convention.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: Mr. President and Mr. Downs, I think Mr. Downs' question seeks an answer which it is perhaps too early to give. I would think that when a motion was presented or a resolution was presented asking the convention to consider the method of submission of the document, that at that point, with the motion or resolution before the convention, the convention would have to make a decision as to whether it should resolve itself into a committee of the whole for the purpose of considering that resolution or not. I think it is just too early to give any answer to your question, Mr. Downs.

MR. DOWNS: Could I just ask, related to that, Mr. President—and I know we are looking ahead; in a sense it is a hypothetical question—would you consider that would be in order during third reading or not until after third reading?

MR. VANDUSEN: I would think, Mr. Downs, that at any point that a resolution was submitted, it would be in order in the ordinary course of our business. As a matter of sound handling of such a resolution, I would think that either after the completion of second reading or after the completion of third reading might be an appropriate time, because only then will we have the entire document before us, and only then could we make an intelligent appraisal of what parts might conceivably be divided.

MR. DOWNS: Thank you, Mr. President, for whatever it is worth, I agree that probably the time to do that, if the convention so desired, would be after second reading and very likely during third reading as these matters came up. For that reason, I think there would be an advantage of keeping that in the committee of the whole if we so desired, understanding that if there was no wish to present the document in separate packages, we could then dispense with committee of the whole and proceed handling the document as a unit. For those reasons, I would urge that we continue the rule with the committee of the whole, with the understanding that that could be dispensed with if the convention so desired at a future date.

PRESIDENT NISBET: The Chair recognizes Mr. Young.

MR. YOUNG: Mr. President, I believe that it is entirely premature for us to attempt at this date to forecast and to project, based on speculation, when this convention will adjourn and what time it will take us to debate matters which have not even come before us to be questioned. Certainly many parts of the constitution which we are now deliberating on and our consideration of those parts will be determined or even changed after we get a look at the shape of the final

document. I think that we are dodging the issue here. What we have to make up our minds about is, do we intend to take the necessary time to write a proper document, or shall we be plagued by deadlines?

Now, I am not worried as to whether or not the constitutional convention will be granted sufficient time, as Dr. Nord said, to complete the document. I think that the voters of Michigan have waited 50 years for a new constitution. And if it is necessary, I feel the legislature, as a body responsible to those people, will allocate the necessary time in order to complete the document. But we here should determine to take the time to write the document and not attempt to tie our hands in advance on the basis of some speculation. Certainly if we are to make any determination at all on whether or not we shall go on to third reading, that determination should best be made as we approach third reading.

And in line with the remarks that Delegate Downs made, I would like to here move that we lay on the table any consideration of this resolution until after the completion of second reading, when we will be in a better position to determine what our needs are timewise in regard to third reading.

PRESIDENT NISBET: The question is on Mr. Young's motion to postpone action on this until following second reading. Those in favor of the motion will say aye. Opposed, no. The motion does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: A division is requested. Is there support for a division? A sufficient number up. So there will be no misunderstanding, the vote is on the question of Mr. Young's motion that consideration of this resolution be postponed until after second reading. Those in favor of Mr. Young's motion will vote aye. Those opposed will vote no.

MR. GOVER: Mr. President, I do not want to vote. I want to abstain from voting.

PRESIDENT NISBET: Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to postpone consideration, the yeas are 49; the nays are 82.

PRESIDENT NISBET: The motion does not prevail. The Chair recognizes Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, I do not believe that I have abused my privilege either, as Mr. Marshall points out for himself. Using his words, I have not been "sphenorous." I think that we have had ample time for advance study on basic constitutional material. We have had 6 months now. We have had committee proposals for a number of weeks. Everybody by now should have read thoroughly the committee proposals if they are doing their job. They should have studied them. They should have analyzed them, and they should have made up their minds by now if they felt the committee proposals were right or wrong.

There has been a great amount of repetition in debate. I think I have probably been in the observer class rather than the debating class of this convention. It has been very interesting to me to hear the different points brought to the floor, but I could see a great number of points being repeated that were absolutely unnecessary. Some people, I think, just like to hear themselves talk. If proper time is spent on the committee proposals, I am sure that all of this can be eliminated, and when I say "proper time," I mean proper time of study. And as soon as you hear your point raised on the floor, that should mean to you it is not necessary to bring it up again.

Mr. Marshall mentioned that he didn't feel that proper time was given in the committees to develop the committee proposals. I happen to be on one of the committees he is on, and I feel that we gave ample time. In fact, our committee proposal hasn't been debated on the convention floor yet, so we have had 6 months to work on our committee proposal. I don't know how much more time you need. I have also noticed that there are cliques, call them, of delegates in both parties, and they keep driving through amendment after amendment with the same meaning but just different words. This is absolutely unnecessary. They can see the first or second time that their idea isn't going to go through in the convention regardless of

party or minority or majority group. This is a thing that we should observe and try not to do.

I believe that the proposed rule change can help us to proceed in a responsible orderly fashion. Therefore, I would support this change.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, I think that the convention faces a situation which is more serious, in terms of the time deadline which May 15 forces on us, than we appreciate, and it is for this reason that the rules committee, of which I am a member, is bringing in this rule change at this time. Now, it isn't any desire to make the convention end sooner than May 15, though I think if this could be reasonably done, we would all be for it. It is simply that realistically looking at the situation and the calendar, we are put in a position where I don't think and the rules committee doesn't think that we can finish and go through a committee of the whole on the third reading.

Now, let's look at it in a little more detail. I expect that it will take the balance of this week to finish the judicial article, if we even finish it the balance of this week, and that will be almost 3 weeks that we have been on this article. We will then go to the problems of the executive committee. And I would say if the judiciary is any example, the problems we have on the executive committee will force us to run probably a week and a half on the executive committee proposals, and perhaps 2 weeks. That leaves us apportionment. I am sure apportionment will take about one week. It may take a week and a half. And by that time, you see, we are past April 1. Well, we still have ahead of us after April 1 then the problems of eminent domain. We still have a couple of sections, which I know are going to cause extended discussion, on civil rights. We have the problem of internal improvements, and we have all of the other sections of miscellaneous provisions. So, as a practical matter, what it means is that we will have about 3 weeks or 3½ weeks left at the best estimate we can make — unless we hurry up in committee of the whole on first reading — to go through all of our second reading and all of our third reading.

I don't see how it is possible in 3 weeks—or even if we say it is 4 weeks—to go through some 230 sections twice. And I am sure that after style and drafting reports, we are going to have on second reading some serious, well thought out amendments proposed. I think they would be proposed even if style and drafting made no style and drafting changes, but I expect that when they do make some changes, some additional questions will be raised. In other words, what we are faced with here is a very practical problem. How can we, in about 3, or at best, 4 weeks go through some 230 sections twice and do it without such haste that there isn't a lot of feeling that we have acted too quickly and some hard feelings left in the convention?

Now, I think — and the rules committee feels — that in view of this calendar situation, this time situation which is a fact that we had better recognize, it is better to make the decision now to abolish committee of the whole on third reading rather than to wait until we get right up to it, because we can do it with a little less emotion now than we can do it if we wait until the end of second reading, because whoever loses out at the end of second reading on his or her strongly favored proposals is going to feel if the rule is then imposed that it is more of a detraction to them than it would be if we do it today. In other words, I think we could do it a little more calmly and coolly today. And I think the calendar, just by necessity, dictates that we do it.

Now, it isn't any desire on the part of the rules committee to be arbitrary by any means. It is just simply the fact that we have gone a lot longer on our first reading in our committee of the whole than we ever anticipated. Therefore, I think in order to bring this convention to some orderly conclusion by the date that we have to meet, May 15, that this is something that we are going to have to do even though we may not want to do it, and therefore I hope that this recommendation of the rules committee will be agreed to.

PRESIDENT NISBET: Mr. Barthwell.

MR. BARTHWELL: Mr. President, I would just like to get the answer to a parliamentary question which I asked before. I would like to know, before you can make any motion, must you get recognized from the Chair in your turn?

PRESIDENT NISBET: I don't quite understand the question, Mr. Barthwell.

MR. BARTHWELL: Well, the question is: if it is my time, if I have the floor, can someone stand up and make a preferential motion and be recognized?

PRESIDENT NISBET: You can't be interrupted, Mr. Chase tells me, after you have been recognized, Mr. Barthwell, except for a point of information or a point of order.

MR. BARTHWELL: Thank you.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, in our debate this morning, I noticed that some people got rather loose with their verbiage (laughter) and I just thought that I ought to put some of them straight a little bit. To begin with, I, for one, will guarantee you that come May 15, if we are still here and there is no money to pay me on May 16, I won't be here. (laughter) I don't happen to be an attorney who lives in Lansing. I live in Detroit. I have to maintain a second home here. I am here at a cost to myself because with what I make in Detroit and for what I get here, believe me, I am losing money. If anybody can show me how they can do it any better than I am doing it, paying \$60 a month for a room, which is mighty cheap, I would sure like to know how they do it.

Now, about getting up on the floor, if you haven't got anything to say, you just keep sitting there, unless you are afraid your head might rattle when you get up. (laughter)

I am not going to say that Mr. Elliott, our chairman, didn't give us time to consider things. He did—I was more fortunate than Mr. Marshall was—but I will say one thing, there was a lot of time wasted. It wasn't wasted here on the floor so much as it was in some of those committee meetings, because we didn't have to have some of those people down there talking to us for hours on end, because I don't think there is a man or a woman here who didn't know as much about politics and government as some of those who came in to talk to us. Now, you can have your own feelings about that and your own thought about that, but that is the way I feel about it.

And I just hope, too, to get some other things straightened out around here. Rule 22 says that we shall not mention names here or talk about anybody, say anything derogatory. Now I wonder, Mr. President, if it couldn't be possible for you or someone else to tell those who are sitting in their chairs at the time someone is up here speaking to keep their snotty remarks to themselves. We don't want to hear them.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: I rise in opposition to the proposed resolution basically because under the rules that we have today, we automatically go into committee of the whole. Now, in the past in committee of the whole where we have been in agreement on items, we have gone through these things even faster than we should have in view of the fact that we were in agreement on them. The new rule as proposed would permit us to go into committee of the whole on majority vote of the delegates assembled. Now, this so far is all right.

But we have something in between here that is beginning to bother me, and with all due deference to Mr. Cudlip and all of his eager workers on his committee, we have the committee on style and drafting. Now, what is happening as I see it, is we have items that are being debated on the floor to the point of punctuation. We are sending these items to style and drafting, putting in our commas, semicolons and so forth and leaving few items up to them. This committee, as I see it, is making changes, bigger changes than a lot of us anticipated.

Now, on second reading, when they come back from style and drafting, we will not have a committee of the whole. And in fact, as I understand it, we couldn't have if we wanted one then. On third reading, as it stands now, we will automatically

go into committee of the whole. If there is any disagreement about changes made in style and drafting, everyone will have an opportunity automatically to debate these items or these changes.

As it stands under the proposed change, we would need a majority vote of the people on the floor to go into committee of the whole obviously in anticipation of debating something that is coming back to us on third reading. Now, if you have a majority vote to go into committee of the whole, you are going to decide it by possibly the same majority. If you don't have a majority vote to go into the committee of the whole, you are not even going to voice your objections or have an opportunity to voice your objections. Basically, for this reason I would be opposed to this resolution.

At the same time I have a feeling that this resolution is geared toward setting a deadline on the convention here at May 15. Now, whether or not I will be here on May 16, with or without money, was decided by me a long time ago. I said from the outset that I didn't think that this convention could get its work done in 7½ months, and I didn't think that we would get paid after 7½ months. Knowing this, I volunteered to run for this position and came up here anyway with or without money after May 15.

I would like to take issue with my good friend Glenn Allen when he mentions that we have problems with eminent domain. Frankly, I don't see any problems there at all. (laughter) We have allocated 30 minutes on the schedule for this whole item. (laughter) Don Lawrence says it is 25 minutes too long, so we have saved almost a half hour there. For these reasons I would be opposed to the resolution.

PRESIDENT NISBET: The Chair recognizes Mr. Snyder.

MR. SNYDER: Thank you, Mr. President. For the past several weeks I have been sitting back and listening to other orators present their points of view because I felt that if I waited long enough, my point of view would be expressed. However, in view of the fact that there may be a limitation on third reading, I will feel compelled, if the change does go through, to get up and speak my piece while I still have the opportunity. And I would like to ask a question of the chairman of the committee if I may, Mr. President, in regard to some of the conduct I must observe if the motion is passed. I would like to ask, question 1, under our present rules, is it mandatory that we go into the third reading?

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Yes.

MR. SNYDER: My second question is, then, if the convention does take action to eliminate this section, will we have, as delegates, still the matter of right to go in upon request or, having waived this question, will it be necessary for us to garner a majority of the delegates to support our request to go into committee of the whole?

MR. VAN DUSEN: It would require a majority vote.

MR. SNYDER: In other words, by an affirmative action upon this vote, we will be relinquishing the automatic right that we have in committee of the whole, and it will be necessary for us to garner a majority vote of the delegates. In so doing, I feel that we would be giving up one of the basic rights. I feel that here we have a question of personal discipline, that we ought to confine our remarks to what is relevant and germane to the subject matter on the floor.

I think it would be catastrophic, ladies and gentlemen of this convention, if we would give away one of the basic and fundamental rights that we have at this convention when we should be setting an example for the state of Michigan. It is our duty and obligation here to protect the basic right of the presentation of thoughts, and an affirmative action upon the proposition that we have would be taking away from the rights that we already have.

PRESIDENT NISBET: The question is on the resolution. Mr. Gover.

MR. GOVER: Mr. President, I want to abstain from voting.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: Would you read it over again.

PRESIDENT NISBET: The resolution will be read by Mr. Chase.

SECRETARY CHASE: Resolution 72:

[The resolution was read by the secretary. For text, see above, page 1067.]

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to abstain from voting, and I will explain my reasons in writing for the record. Thank you.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: Point of information, Mr. President. I notice that the resolution starts by saying that we are amending the rule, and then winds up by saying that we are striking. Is this the same as suspending?

PRESIDENT NISBET: This is striking from the rule, Mr. Mahinske.

MR. MAHINSKE: Would this be something more drastic than suspending a section of the rule, or equal?

PRESIDENT NISBET: The Chair would think it would be. This is striking from the rule completely.

MR. MAHINSKE: Well, then could I have an interpretation of the rules as to striking?

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I would like to refer Mr. Mahinske to rule 68, which says, "The rules of the convention—"

MR. MAHINSKE: This is the one I have reference to.

MR. BENTLEY: "—may be amended by a majority vote."

MR. MAHINSKE: Right. But then it winds up by saying they may be suspended by a 2/3 vote. This is what I would like to find out, if we are in reality suspending here rather than amending.

PRESIDENT NISBET: It is the Chair's understanding that we are striking sections 9 and 10 from the rules, which is an amendment to the rules, not suspending.

MR. MAHINSKE: I thought the answer was yes to my question about suspension and striking, whether they were equivalent or one was of a higher level than the other.

PRESIDENT NISBET: Mr. Chase will make a statement.

SECRETARY CHASE: As the secretary understands the situation, Mr. Mahinske, the elimination of these 2 items from the rule will cause the rule to be permanent in regard to this particular matter. A suspension of the rule by a 2/3 vote of the delegates that are voting on the immediate question will suspend the operation of the rule for the consideration of that particular item at that particular time only.

MR. MAHINSKE: So then a simple majority vote is required at this time rather than a 2/3 vote.

PRESIDENT NISBET: That is right. Those in favor of the resolution—Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, there has seemed to be in the debate some implication to the effect that on third reading people would not have an opportunity to participate in the debate or to take the matter up fully. It is my understanding that on third reading we will be permitted to debate the matter clearly and fully, but of course a person is limited in the number of times he can speak—I think it is once for a delegate who is not chairman of the committee who is reporting it out—except by unanimous consent. But I think if a person has his wits about him, he can make his statement, and everybody can express themselves and we can come to a sensible conclusion without the unlimited debate that we have been participating in in committee of the whole.

PRESIDENT NISBET: Mr. Barthwell.

MR. BARTHWELL: Mr. President, I don't think that Delegate Powell is relating a true fact, because a motion for the previous question prevails with a majority vote. So—let's face it—I don't have the same right and the same opportunity to carry a motion that the majority of the delegates have here. If we suspend this rule—let's face it—only the delegates of the majority party can prevail to go into the committee of the whole. Only they can prevail to move for the

previous question. So it isn't a matter that each delegate will get the same right to speak, because I have been standing here in the convention in one instance as the next speaker, and then someone gets up and shouts that he moves the previous question, and it was put. This is why I asked my question before, you see. There are some realities about this thing. Now we should face it fairly and squarely. If we alter the rules of this convention, then we are not giving the minority delegates the same opportunities.

PRESIDENT NISBET: Mr. Radka.

MR. RADKA: Mr. President and fellow delegates, I think the most timely argument for voting for the proposed change is, just look at what has been happening this morning during the past hour.

PRESIDENT NISBET: Mr. Richards.

MR. L. W. RICHARDS: Mr. President, I would like to make a comment along the lines that my good friend Delegate Barthwell made when he referred to the majority party.

Sid, I would have to disagree a little bit along that line because, coming from the U.P., a lot of our majority party people don't see the problems that exist in the U.P. anymore than some of your fellow delegates do. I cannot have the assurance that my party that I am representing would feel the same as I would on some of the issues there.

I am a little disturbed. I feel on third reading—like a lot of other delegates, I haven't taken the time—I realize a lot of the subjects have been covered very thoroughly in discussion. I couldn't add or detract from some of them too much. Therefore, I might be definitely interested in a third reading, as much as you would or any of the minority party.

PRESIDENT NISBET: The question is on the adoption of the resolution. Those in favor will vote aye. Those opposed will vote no. Has everybody voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the resolution, the yeas are 91; the nays are 37.

PRESIDENT NISBET: Resolution 72 is adopted.

For Resolution 72 as adopted, see above, page 1067; for rule 57 as amended, see above, page 135.

SECRETARY CHASE: That is the only item under unfinished business, Mr. President.

PRESIDENT NISBET: General orders. Mr. Van Dusen.

Mr. Ford.

MR. FORD: Mr. President, I have what I think is a preferential motion to Mr. Van Dusen's motion.

PRESIDENT NISBET: Make it.

MR. FORD: I move that we reconsider the vote on amendment 3 to Committee Proposal 94 adopted by this convention yesterday, the vote by which it was adopted.

PRESIDENT NISBET: The question is on Mr. Ford's motion to reconsider the vote. Will you state that again, Mr. Ford.

MR. FORD: I think it can be found at the bottom right-hand corner of page 712 of yesterday's journal. I hope I have the right section there. That, as I understand it, was the vote on the minority report amendment to Committee Proposal 94.

PRESIDENT NISBET: Mr. Chase, can you locate that?

SECRETARY CHASE: This was amendment 3 to Committee Proposal 94, which amendment read:

3. Amend page 1, line 14, after "dependents" by striking out the comma and "except as otherwise provided by law".

PRESIDENT NISBET: The question is on the motion of Mr. Ford to reconsider the vote on this amendment. Mr. Ford.

MR. FORD: Mr. President, briefly, I would just like to call the attention of the delegates to the fact that with 135 delegates present, this vote was only 9 votes apart. In other words, it carried by 9 votes, a bare 72 carrying it, not the majority of the delegates elect. In view of the fact that we had already voted in favor of the minority report amendment in committee of the whole after 7 hours debate and yesterday morning when we came in here with a number of delegates who

had not participated in committee of the whole we proceeded in a manner that some of us considered quite summary to take this vote, I would like to have this matter brought back before the convention by this motion to reconsider.

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

MR. DANHOF: Mr. President, members of the convention, we had considerable debate in committee of the whole. We had additional debate upon the floor of this convention. We had excellent statements made both pro and con, and in particular I recall the statement which would be in favor of the original recommendation of the judicial committee made to you by Mrs. Judd. Without going into all the ramifications, I think we have debated this matter thoroughly. I think if there is a change of mind, this can be done upon the second reading by failure to concur. I think we would be wasting the time of this convention and the committee of the whole to reconsider this matter at all. I would urge that you vote against the motion for reconsideration, and we proceed with the deliberations of the remaining portion of the article.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Point of order, Mr. President. Did not this go to style and drafting yesterday? Is it in order then to reconsider?

PRESIDENT NISBET: Mr. Elliott, it was referred to style and drafting, but a motion to reconsider the next day is in order. Mr. Mahinske.

MR. MAHINSKE: Well, as I understand it, Mr. Danhof feels that we are going to go back into debate on this, Mr. Danhof, through the Chair?

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

MR. DANHOF: Do you mean go back into debate today?

MR. MAHINSKE: Yes.

MR. DANHOF: Well, I would imagine if we vote to reconsider, then the amendment again comes back before the convention, if I am not mistaken, upon concurring in the recommendations of the committee of the whole. Would that be correct, Mr. Chase?

SECRETARY CHASE: That is correct.

MR. MAHINSKE: Would this be debatable, Mr. Chase?

MR. DANHOF: In which case we would go back, and everybody would have a chance to at least speak once upon concurring or not concurring in the recommendation of the committee of the whole, and we would proceed to, I would imagine, go back over a lot of ground that we plowed before. We would not go back into committee of the whole and discuss this, but we would be back to the convention concurring or not concurring in the recommendations of the committee of the whole, upon which we voted yesterday. At least that would be my understanding of the rules. Consequently, everybody would be entitled to get up and speak at least once, and probably go back into asking questions and things like that, all of which we have covered before.

I think we had a good discussion. And so far as the vote was concerned, 135—or whatever it was—out of 144 isn't a bad average if you consider all the illness. Therefore, I would think that we would just not be spending good time in this particular session, and therefore I would oppose the motion.

MR. MAHINSKE: Well, I will stand corrected if I am wrong on this but, as I understand it, there were a number of people around here yesterday who felt that it was quite regrettable that the previous question had been moved on this committee proposal before the proponents of the minority report had had any opportunity to speak on this. And also in view of the fact that we have had a ruling from the Chair that this motion would not be in order on second reading, I would concur in the motion to reconsider here.

The only other available step on this proposition on second reading, as I can see it, is a move to strike the entire section a of Committee Proposal 94. This has been done already so this, by the same ruling, would be out of order on second reading. So I feel that now and only now is the time that we can move in this direction and give the people who have gone to the

trouble of drafting up a minority report at least their day in court here. And for these reasons I would support the motion for reconsideration.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: I think this matter, Mr. President, was fully debated in committee of the whole and thoroughly considered. I think it is obvious that the mover for reconsideration has no new arguments. He merely wishes to see if perhaps a few people may have changed their minds, and for that reason, I move the previous question.

PRESIDENT NISBET: The previous question has been called for. Is the demand seconded? Mr. Ford.

MR. FORD: Mr. President, I have just been informed by people who are vitally interested in this that there are several people off of the floor on convention business who are vitally interested in this matter. I, for that reason, would like to withdraw the motion to reconsider at this time and reoffer it this afternoon when they can be present.

PRESIDENT NISBET: The motion has been withdrawn.

General orders. Mr. Van Dusen.

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

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

The motion prevails.

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

CHAIRMAN VAN DUSEN: The committee of the whole will be in order. Dr. Pollock.

MR. POLLOCK: Mr. Chairman, could I have the pleasure of introducing a distinguished visitor from abroad who is here as the guest of the state department, Brigadier General of Police Memet, who is the director of the office of personnel affairs for the Republic of Indonesia. General Memet. (standing ovation)

CHAIRMAN VAN DUSEN: General Memet, we are pleased to have you with us, and despite the fact that Professor Pollock's introduction violated the rules of the convention, we are particularly pleased to welcome you this morning. (laughter)

The matter before the committee is **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. When the committee last met, we had considered the first sentence of section a and had adopted one amendment thereto. The pending business is an amendment to the second sentence of section a offered by Delegates Radka, Pugsley and Rajkovich.

For last previous action by the committee of the whole on Committee Proposal 96, see above, page 1478.

The secretary will read the pending amendment.

SECRETARY CHASE: The pending amendment is:

1. Amend page 1, line 10, after "courts" by inserting "of record"; so the language will then 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.

CHAIRMAN VAN DUSEN: The Chair will advise the committee that his notes as to those delegates who might have been seeking recognition on this question last night have been cleared away by an effective housecleaner, and that therefore anyone seeking recognition on the question should do so this morning. Mr. Danhof.

MR. DANHOF: Mr. Chairman, members of the committee, at the time that we arose last night from the committee of the whole, we heard from the proponents of the amendment and also from Mr. Everett, who gave the report of the majority of the committee. I should like at this time, if he has

any further remarks, to yield to the delegate from Battle Creek, Mr. Everett.

CHAIRMAN VAN DUSEN: Mr. Everett, do you have further remarks?

MR. EVERETT: No.

CHAIRMAN VAN DUSEN: Mr. Everett has no further remarks at this time, Mr. Danhof.

MR. DANHOF: In that case, we yield for questions or to any other persons who wish to speak.

CHAIRMAN VAN DUSEN: The question, Mr. Danhof and members of the committee, is on the amendment offered by Messrs. Radka and others, which the secretary will read.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1494.]

CHAIRMAN VAN DUSEN: Miss Donnelly, do you desire to be recognized on the amendment?

MISS DONNELLY: I believe at this time we might slow down a minute and consider when we insert these words "of record" where they have been offered, we are also going to have this "of record" affect the next line, the line referring to the 70 years of age. This proposition of 70 years of age is not new. It is new below the circuit court. However, to my mind and to most of the committee, the idea that after 70 years they should be retired seemed to be most important for the lower levels. If it is reasonable for the circuit court and upward, it is reasonable that there must be a time when the individual holding the position of a member of the bench should retire. Many are very effectual past that time, of course, but sometimes it is wise to cut off and allow other people to take the burden of presiding.

Another problem, I think, that is presented here is that of municipal courts, which are not courts of record. However, almost all of the charters, I think, require that an individual who will sit on the bench of a municipal court be admitted to practice in the state of Michigan. The individuals who voted this requirement in their charters seemed to feel that this level of justice and administration thereof was vital to them.

To insert this leniency, this deletion of the requirement of the membership in the bar to sit on the bench will affect them in many ways. It might endanger their feelings and make the validity of this requirement questionable.

Before we go forward and decide that we do not want attorneys administering justice from the bench, that we want laymen to do this job, I think we should anticipate the problems that come before these lower courts. Because an individual has perhaps some small monetary consideration does not mean that individual whose case is being tried doesn't feel that this is probably the most important case he has ever had. To suggest that they have a second class justice, I think, violates our basic principle. To have cheap justice, in effect, because of the amount of money involved is in many ways worse than justice delayed or justice denied, but to have an individual not have a proper presentment of his case, a proper decision on his case, renders him in the position of having to spend more money for appeal or to give up because he can't afford it.

The problem seems to be that outcounty and small areas feel that they can't afford to support a court with a lawyer. To me, this is a weak argument, because I believe that by having a lawyer administer justice from the bench, they will have a better court. We cannot delegate to the individuals in lesser populated areas a lesser degree of justice and administration, in fairness. So I think that we should go most slowly in inserting this provision in this instance in this section. It imputes many things that do not bring forth the best for all citizens in this state. Therefore, I naturally rise to oppose the amendment and ask that everybody really consider this insertion most seriously at this time.

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: Mr. Chairman, members of the committee, without any attempt to insult my fellow members of the bar,

I don't believe that anyone is going to argue that with a law degree or admission to the bar a person is instilled with any more compassion, human understanding or understanding of the problems of people than he had before. Now, in the part of the state that I come from, southwestern Wayne county, we have not very many nonlawyer judges left, because this is a problem that tends to solve itself.

Mr. Everett states that as a lawyer, he feels that, as a matter of principle, no one should sit as a judge unless he is a lawyer. I agree with Mr. Everett when he says no one should sit as a judge unless he is a lawyer if he means that, where possible, this should be one of the considerations in what makes a good judge. I don't think that this consideration alone wipes out all other considerations when you get down to the local level and realize the real concept of what a local judge is, whether you call him a justice of the peace or a municipal judge or whatever name he might have after this constitution is amended and the legislature acts. He is still a part of the local picture and he deals with problems of little people, and little people may be wealthy or they may be poor, but they are little people in the sense that they go direct to this court for their justice.

I think that as a matter of principle I would like to see every coroner in this state be a doctor, but we don't require that every coroner be a doctor. Many of them are not. And there is good reason why we don't. We just don't have enough of them to go around.

Now, down in Wayne county over the last 10 years, I have observed that never, when a qualified lawyer has run against a nonlawyer for a judicial post, has he failed to make the office. One by one the nonlawyer judges have gone by the wayside because the people have expressed a preference for an otherwise qualified man who has, in addition to his general qualifications, the qualification of being a member of the bar. The local bar association to which I belong and other members of this convention in the down river area, took a position in September of 1961, before this convention convened, that indicated that the 160 lawyers we were representing felt satisfied with the local court system that we had in some 15 communities with 160 lawyers represented, and a resolution adopted by something in the neighborhood of 86 lawyers present, unanimously, to continue the system we have down there, including the right to continue the existing nonlawyer judges in office. Now, as far as our part of the state is concerned, it is only a question of time until we have no non-lawyer judges for the reasons I have already stated.

But in talking to people from outstate, it is apparent that there are many parts of this state that are a long way from having an adequate supply. And Mr. Habermehl, who isn't here on the floor at the moment, when he appeared — pardon me, Mr. Habermehl; I was looking at the wrong row — made what I thought was a very telling argument in front of the judicial committee when he pointed out that in his part of the state and others of similar circumstances, what this kind of a provision might be tantamount to is saying that lawyers who do not actually practice law — they may be actually real estate men or insurance men who have the right to practice law but haven't done so for many years — or lawyers who might not otherwise meet the other standards that their peers in the community would place upon them for public office would have an advantage that might lead to putting people on the bench that the people would rather not have there, but you might be creating a situation where you say that since there is such a shortage, any fellow who wants to move in and throw his name in the hat automatically gets the job.

Now, this has happened with respect to prosecutor's jobs around the state. The people haven't had any choice of selection. Nobody is arguing that prosecutors shouldn't be attorneys. This would be an impossibility. But I think here is an example of what can happen when you have a job that requires an attorney and you have a shortage of attorneys. Although there are 9,000 attorneys in Michigan, almost 5,000 of them are down in Wayne county.

Now, Miss Donnelly indicated that this is not a problem for the municipal courts. It may not be a problem in her

municipal court, but there is one delegate here who comes from a city that has a municipal judge who very recently was returned by the people of that city to the bench by about a 4 to 1 margin, and he is not a lawyer. And I have never heard a lawyer of my acquaintance—and I have practiced quite actively in that area—complaining that that court is not a good court because the judge doesn't happen to be a lawyer.

There isn't any one of us who doesn't believe that the epitome of success would be if we had a well rounded supply of people with proper legal training available who were willing and able by other reasons to serve in these capacities to fill them. I don't think this is the case in the state of Michigan, and I think that here is a place where we can supply a little flexibility again. I think we ought to reel out the flag and say this morning we trust the legislature. I think that if we back up here a little bit and realize what we are doing, we are, for the first time in this state—and insofar as I know, we might be unique in this—saying in the constitution that judges must be lawyers. Now, it has only been a matter of some 10 or 15 years at the most since we have required circuit judges to be lawyers. I don't believe it is 10 years. We do this by statute, and we have been handling this problem for some time. I don't know why we should go beyond the courts of record in a constitutional provision and why we can't leave it to the legislature to provide the standards for holding this office below the courts of record.

When you are talking about the courts of record, there is a vast difference. It is my understanding that there are someplace in the neighborhood of 1,200 or 1,300 of these local courts throughout the state actually functioning at the present time, when you lump together the justices of the peace and the municipal courts. However, when you start counting the courts of record you find that you have a much smaller number, because we have only 42 or 43 judicial circuits at the circuit level and 1 probate judge for all of the counties except the 2 large ones. I think that this could conceivably, by constitution, create a very difficult problem for the outstate people, and this, in turn, is going to have a very direct effect on the rest of us who travel outstate and who depend on the outstate having a competent and a reliable judiciary as a part of our state judicial system.

If we leave it to the legislature, and the legislature should elect to require that all judges at all levels must be lawyers and then they discover that there are parts of the state that are deprived of a truly efficient or effective judicial system as the result of this, they can at the next session of the legislature change this or modify it. But if we freeze into the constitution a requirement at the local level, it is there for all time and there is very little that, as a practical matter, can be done about it. For that reason I urge you to support Mr. Radka's amendment, not because Mr. Radka's amendment says that for all time courts will be staffed by nonlawyers, but because Mr. Radka's amendment would make it possible for us to pass a constitution without for all time saying something that may be premature at this time and place in the development of the state of Michigan.

CHAIRMAN VAN DUSEN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I should like to direct a question to someone who has some knowledge on this question. This morning I received on my desk a copy of a list of cities with municipal judges called "special statutory courts" of which there are some 74. I would like to ask, are these courts courts of record?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: To my knowledge, Mr. Yeager, they are not.

MR. YEAGER: In other words, if we adopt this amendment, then any of these courts in any of the cities listed here could be nonlawyers under this provision unless otherwise provided for by the legislature?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: My answer, Mr. Yeager, would be either by the legislature or by the charter of the city. In other

words, under the present constitution, the municipal court act leaves it basically to the city charter to provide whether they should be attorneys or nonattorneys. In Mr. Sleder's case in Traverse City, you recall, it said "attorney."

I would imagine that if the legislature should feel, in its wisdom, that in cities over a particular size there would be enough lawyers to make it mandatory that all municipal courts created in cities over 50,000 people, we will say, should be lawyers, they could do so. Basically, it is left to the city charter under the present constitution, and I do not think any of them are courts of record. Now, it is possible that in the future some of these courts might become courts of record if the legislature should so designate, as we have provided in the first sentence of section a.

CHAIRMAN VAN DUSEN: Mr. Yeager, not being a lawyer, would you yield further to Mr. Everett for a response?

MR. YEAGER: Yes, certainly.

MR. EVERETT: Mr. Chairman, Mr. Yeager, I am not certain that Mr. Danhof is correct. I am not saying he is incorrect, because I honestly don't know. But if this language is inserted in the constitution, I am inclined to think that the courts would then have to say that the legislature could not set any standards which were not fixed by the constitution. They could get around this by creating some of these courts as courts of record, but I am inclined to think that they could not set qualifications for the judiciary which the constitution did not set. This has always been the law. And when the legislature endeavored to set qualifications for circuit court, the supreme court struck it down, saying "You may not go beyond the constitution."

CHAIRMAN VAN DUSEN: Mr. Yeager.

MR. YEAGER: Well, further, I just wanted to ask Mr. Danhof one more question. Is this question of judges being lawyers or nonlawyers properly a subject of charters, as a general thing?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: I had been interrupted, Mr. Yeager. Would you repeat, please?

MR. YEAGER: I said, is the question of whether judges should be lawyers or nonlawyers properly a subject for charters? Is this generally taken up in charters?

MR. DANHOF: The city charters of a number of cities provide that the municipal judge to be elected must be an attorney. I think some require he has to live within the confines of the city. Some may not, but most of them probably do.

Now, in response to Mr. Everett, after conferring, as we say, with counsel here, what Mr. Everett referred to was only the constitutional courts that have been created; in other words, the idea that the legislature could not set the qualifications of a lawyer for a circuit judge as they tried to do—and it was found to be unconstitutional and therefore required a constitutional amendment—refers to courts that are created as constitutional courts and, of course, municipal courts and the recorder's court and other courts are statutory courts and not constitutional courts. I am quoting Mr. Hutchinson, who I think was in the legislature when they tried to set the qualifications for the circuit judge, and he has advised me in this regard.

CHAIRMAN VAN DUSEN: Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, members of the committee, as a member of the judicial committee that framed the proposal, I rise to oppose this amendment.

Although there have been many nebulous claims about there not being enough attorneys to man the bench in such instances, it seems to me that this is actually the last dying attempt of the justice of the peace association to try to keep the present system, which is certainly not a credit to the people of this state. I am sure you have all heard the situation discussed. I know that without exception, at least among those I talked to during the campaign and since, the one thing that should be done is improve the quality of the administration of justice at the justice court level and make it no longer a court operated by laymen who are not familiar with the

law and who have caused the situation to exist. I ask you to oppose this amendment.

CHAIRMAN VAN DUSEN: Mr. Rajkovich.

MR. RAJKOVICH: Mr. Chairman, fellow delegates, it sounds as if the proponents of this amendment are opposed to attorneys as judges. We are not opposed to attorneys as judges. Any time we have an attorney who wants to run for a judge, he is most welcome to run for a judge. The problem is that in many areas you don't have any attorneys. We do have counties of 1, 2 or 3 attorneys. Kalkaska county, I believe, has 2 attorneys. That is all there are. Antrim county has 3; Leelanau county has 4; and if you look around the rest of the counties up in the northern part of the state, you just don't have that many attorneys. And we want justice. I am not opposed to them. I think we should have them. However, if they are not there, we still do need these judges. And furthermore, I see no reason to state in the constitution — and freeze it in here — that all of these people have to be attorneys. They don't have to be attorneys. We do not set up qualifications for anything else.

It was mentioned to us yesterday that you certainly would not want to have anybody take your appendix out who is not a doctor. However, you know as well as I do that there are cases where this is done; people who are not doctors do these things. We would rather they didn't, I will agree with you. However, sometimes we have to do things that we wouldn't normally do. And in this case, I do believe that we have to make a provision for these people to render justice where all the attorneys are not available.

Now, Miss Donnelly mentioned here the question of 70 years retirement. I am sure there was never that intent. It wasn't my intent and it was not Mr. Radka's intent that 70 years should be affected at all by this.

Now, in any county or any area where we do have an attorney running against a layman, if this attorney cannot win against the layman, he shouldn't be a judge anyway. At least that is the way I feel about it. It takes other qualifications besides merely being an attorney, and I am sure the people will make their decision where there are a lot of attorneys and where there are a lot of people. But in sparsely settled areas, there just are not enough attorneys to go around. If you have one attorney, he is going to be a prosecutor. Perhaps another one is going to be a judge of probate. Then is there anybody going to be in town who is going to practice law? And there is not a great deal of money involved here anyway, so I wish that you would support this amendment to give these people outstate an opportunity to have justice that we do have in these other heavily populated areas, because if we have to have attorneys, I am afraid we won't have them. Thank you.

CHAIRMAN VAN DUSEN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and delegates, I don't think anyone would quarrel with the notion that, other things being equal, it would be desirable to have the judges of all our courts as attorneys. Someone has said that extreme justice is injustice, and an extreme application of even a good principle can sometimes do more harm than good.

I would like to call your attention to the fact that the committee on the judiciary has recommended that even as to judges of probate, nonlawyers be permitted to be eligible so far as those who are now in office are concerned. We are here dealing with a question of judges for courts of limited jurisdiction. This argument seems to be based on the theory that every lawyer will make a better judge of a court of limited jurisdiction than any layman would make. The situation has been recorded sufficiently. Those of us who are familiar with the situation know that there are many counties where the shortage of attorneys exists, and when we go into a store to buy a suit, we prefer the store where we have some choice, and freezing this requirement into the constitution would in numerous cases result in the people being compelled to accept someone who chose to move into the community, regardless of what the reasons might be for his having left his old home or for coming into the new one. Because he is the only at-

torney available, they would have no choice. I think if we can, for the reasons that have been mentioned, make some exceptions on the much more important probate court, it is entirely reasonable to suggest that, for the time being, to meet these emergency situations, we might extend the same consideration to these communities we have been talking about. Thank you.

CHAIRMAN VAN DUSEN: Mr. Perras.

MR. PERRAS: Mr. Chairman, at the time that I was seeking recognition, I was afraid that the recess had been called and I hadn't heard it, and I was still sitting here. And I would like to make a suggestion when this thing happens that the secretary ring the bell and bring the delegates back in so they can hear what is going on.

CHAIRMAN VAN DUSEN: Your point is well taken, Mr. Perras. The Chair thinks that the private recess period appears to be over. Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, delegates, because the position I took before the judicial committee was mentioned, I would like to expand on it just a little bit. My aim before the judicial committee and at this convention is to set up an adequate court system, a court system that will serve the people of the area. It was my position and is my position that if we do a proper job of organizing these courts, this matter of whether or not an attorney is the judge will be taken care of by the people of the district. I feel that if the court has a broad enough jurisdiction, a high enough jurisdictional amount, that people will recognize that an attorney is needed as a judge of that court. I am not in favor of freezing in the requirement. However, I am willing to trust the good judgment of the people of the district.

As has been mentioned, until just relatively recently, there was no requirement that a circuit judge or a supreme court justice in the state be an attorney. The good sense of the people made sure that they were. To that extent, while I agree wholeheartedly that no one really should ever act as a judge of his fellow man without some training for the job, I would not care to see a requirement in the constitution that he be an attorney. This is not a matter of trying to create a closed shop for attorneys. My position is simply that I am willing to let the people judge the qualifications of the judges that they elect.

CHAIRMAN VAN DUSEN: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, I wouldn't presume to take any of your time on this except for one thing, although I may mention some others since I am up. The thing that brings me to my feet is the inference that we have just had that anyone taking the position that this amendment ought to be adopted is trying to do something for the justice of the peace association. In my case that is absolutely not true. I have no connection with them. They have no influence on me. Yesterday and the day before, we had a similar inference as to probate judges, that if you were for certain amendments or against certain amendments, you were trying to protect the probate judges. There are a lot of delegates here who are making up their mind on what to do on these amendments and on these propositions on the basis of what they think will work out best, not that they are trying to protect somebody.

Now, the idea that attorneys are going to be too scarce in some of these counties is not a nebulous idea. As I said to you the other day when I was talking somewhat facetiously, this is not a problem with me. I represent 4 counties. In each of those counties we have several attorneys. I have no doubt that a competent attorney can be found in each of those 4 counties who will be willing to be judge of some inferior court such as the legislature sets up. I would hope that the legislation, when passed, will be such that a lawyer will be required in each of my 4 counties.

But there are counties much smaller than mine, and the lawyers just aren't there. It is said we can bring them in; put up a proper salary and they will come. Who will come? Somebody who is an alcoholic and trying to escape temptation? Somebody by reason of age and infirmity who is no longer a

proper person to be a judge? Some youngster just out of law school? There won't be any choice. Nine times out of 10, or maybe 19 out of 20, there will be no choice in one of those counties. If you get a lawyer to run, he will be the only one running and you will take him, whether he is qualified or whether he isn't qualified.

We are not deciding that there will be courts not requiring lawyers. We are just letting the legislature decide. Let the legislature decide what the rules shall be, where those courts may be. And certainly we are not in position to properly say to those little counties in the north "You must have a lawyer." They certainly would like one if they can get a proper one, but some of them can't do it and we know they can't do it. I think this amendment ought to be adopted.

CHAIRMAN VAN DUSEN: Dr. Nord.

MR. NORD: Mr. Chairman, I oppose the amendment. It seems to me that the amendment is either too broad or too narrow depending on what it attempts to achieve. I certainly don't think it is correct in the form that it has been presented.

First of all, I think the principle that has been mentioned in favor of the amendment is quite wrong. The principle that has been put forward is that it isn't necessary, it isn't indispensable, let us say, that in order to be a judge, you should be a lawyer. In other words, in order to be a judge, it is not indispensable that you should have a license to practice law or that you should be legally qualified and certify that you have studied the law. Now, I believe if we compare this principle with many other principles that we are quite familiar with, we will see that the principle cannot stand. There are many activities in this state which do require a license, and they are much less important than administering justice.

For example, to be a barber, it is my understanding you have to have a license. You can't cut somebody's hair, as I understand it, unless you have been examined by somebody who can say that you are qualified to cut hair. I know that in order to drive an automobile you must have a license. And they don't say there are any ifs, ands or buts about it; you just simply must have a license, because you can do harm if you don't have qualifications.

When you come to the question about whether somebody is going to administer the law, apply the law to specific cases, how can we come out with a conclusion that that person doesn't need to have any qualification whatever? He need have no qualification whatever. He need not have a license to practice law. He need not be certified so that people will know that he has ever even studied the law or had the slightest inkling of what law is. It seems to me that the principle is a very bad principle. Not only that; I don't believe that that principle can be pushed to the limit or is being pushed to the limit. If that principle were correct that it isn't necessary — it is just nice but not necessary that anyone who is a judge have a license to practice law, then why do we have in the rest of this section the requirement that he does have a license to practice law except if it is not a court of record?

It will still say in section a, if this amendment is adopted, "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. . . ." We certainly don't think that we ought to leave that question wide open. We think we should leave it wide closed. In other words, we don't think that that principle that has been announced here — that it isn't important, in fact indispensable for a man who administers the law in a specific case to be licensed — is good enough. As a matter of fact, we have stated the exact reverse: that he should be a lawyer.

Now, the amendment, therefore, is too narrow if it seeks to establish a principle that a man does not need to be a lawyer to be a judge, because he does need to be a lawyer in most courts of the state under this amendment. On the other hand, the amendment is too broad if the object is to make an exception only in case of emergency or only in case of sparsely settled areas.

The amendment does not go to either one of those cases. It goes broad spread to the entire judicial system. It doesn't

say in sparsely settled areas of some sort or other, or where there is no choice. It doesn't say where there is no other choice, he doesn't need to be a lawyer. I could understand that. But this applies to all courts of the state which are not courts of record, including the most densely populated parts of the state. It doesn't say only in case of emergency or only in case of sparsely settled regions. That kind of an amendment, it seems to me, could be supported. But this is too broad in that respect and too narrow in the other respect.

It has also been urged that this ought to be a question for the legislature; it ought to be a matter of flexibility. Again, it seems to me that point is not well taken. If that is your position, why do you permit the rest of the section to say, "Except as authorized otherwise by this constitution, justices and judges of the courts of record shall be lawyers licensed" That is not flexible. Therefore, it seems to me that a lot of people in discussing this want to have their cake and eat it. They want to say that this amendment isn't too broad and it isn't too narrow, but as a matter of fact this amendment is very badly conceived, in my opinion.

I think we should start out with the principle that you cannot be a judge of any court unless you are licensed. We shouldn't lower the courts below the barbering profession or the business of driving an automobile. We should put that in as a principle. Then if we find there are reasons why some exceptions should be made, we can put those in. And I believe there could be some. Grandfather clauses, for example, would be all right, or where there is no attorney who is willing to run for office or something like that. You could put those in. But the amendment we have here is, as I say, ill conceived, can do damage to the judicial system, and I believe on that basis, unless it is changed to satisfy these problems, it ought to be defeated.

CHAIRMAN VAN DUSEN: Mrs. Koeze.

MRS. KOEZE: Mr. Chairman, I would like to say here that on the sheet you have before you is the town of Wyoming. Most of you think that I am from Grand Rapids, but I really am from Wyoming, Michigan. Now, this is really and truly south Grand Rapids, the fastest growing part of Kent county. And I just want to tell you an instance about our municipal court down there.

We established one when we became the city of Wyoming, Michigan, and we waited for months to get a lawyer for this municipal court. Believe it or not, in this 6 square miles of Wyoming, Michigan, we couldn't find a lawyer and finally had to waive a clause in regard to his residency so that we could get one from the city of Grand Rapids. So I just want to point out to you that this is not only a problem of sparsely settled areas.

CHAIRMAN VAN DUSEN: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, I happen to be a justice of the peace in a township, South Muskegon. But what Mr. Ford has alluded to and what some of the other men have referred to is a problem within Muskegon county. We have one of the best run municipal courts in the city of Muskegon, and we have one of the worst run municipal courts in the city of Muskegon Heights. Now, the difference between the 2 is simply that in Muskegon we have a large number of attorneys willing to run for the job. In Muskegon Heights, because it is an older city and has not expanded as the greater Muskegon area has expanded, we have a situation where the people are offered no choice when it comes to municipal judges. We now have a municipal judge who works approximately from 11:00 to 11:30 and 2:00 to 3:00, and his help does likewise.

Some of our best run courts are justice of the peace courts by laymen in the surrounding townships because they work full time at this job. Mr. Nord has referred to the situation of a barber, but at least I don't face a jurisdictional question and I am not compelled to go to a certain barber, but I may go where I feel there is a competent barber without regard to municipal lines. This is not true with the courts. I am forced to go where the legislature tells me to go. Secondly, if I try a case in justice court, I have an appeal and I can have my case retried. But it is a little difficult, if I get a poor haircut,

to immediately turn around and get another one, and there are some delegates here where a poor haircut could be quite embarrassing, because there isn't very much to cut. (laughter)

CHAIRMAN VAN DUSEN: Are you raising personalities? (laughter)

MR. W. F. HANNA: I am not referring to you, Mr. Chairman. (laughter)

CHAIRMAN VAN DUSEN: Mr. Hanna, the secretary and the Chair would both appreciate your indulgence. Some of the delegates have complained about the glare. (laughter) Mr. Garry Brown once suggested that during this article, perhaps the Chair should be provided with a robe, and the Chair thought maybe a wig would be additionally appropriate. (laughter) You may proceed, Mr. Hanna.

MR. W. F. HANNA: I, too, am joining your class very rapidly. But actually what is needed is fewer justices of the peace or fewer local courts. With regard to cities, they have their choice. They may adopt by charter a municipal court, and the legislature has said in that case he must be an attorney, and they have set the jurisdiction somewhat higher for municipal court. But a city also can have a layman judge, and the jurisdiction there is somewhat lower, at least in dollar amount.

I believe that if we are to develop an intelligent court system, of necessity we must allow the legislature the power to develop a court system of limited jurisdiction, and to require lawyers in those counts of limited jurisdiction where there are sufficient lawyers to give the people an intelligent choice.

I would equally oppose putting the township justices of the peace back in the constitution, because I am convinced that in some of the smaller townships, they should be joined together in a judicial district, and if population is sufficient or if there is a sufficient choice of lawyers, those judges should be lawyers. But when you have the situation where a man has a monopoly on the office of judge only because he is an attorney and only because he is the only attorney within that municipality, be it county, city, township or village, you have the situation where the public does not receive justice, but they have a man who is living on a semi pension, and if he is ambitious, he practices law, and if he is not ambitious, he looks for a retirement long before he is 65.

I certainly would urge the convention to allow the legislature, with regard to courts of inferior jurisdiction, to set requirements as to whether or not they should be lawyers based upon the availability of lawyers and the population of that municipality. Equally, I would urge this convention not to require every city, township, village or county to elect a justice of the peace.

CHAIRMAN VAN DUSEN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman, are there a great many people lined up to talk?

CHAIRMAN VAN DUSEN: The Chair has one layman, one lay woman, and one lawyer in addition to yourself, Mr. Hubbs.

MR. HUBBS: It seems like the laity is in the majority this morning. The reason for asking that question was that I don't consider myself an orator of such persuasive character that I could persuade many people to change their minds, and if there aren't too many lined up to talk and we are going to vote pretty soon, I won't say very much and I will just keep quiet.

I find myself in strange company this morning. Generally, over in this corner I am considered so extreme that I have been accused of carrying a John Birch card. And now I find myself in sympathy with Mr. Ford, who is generally of the opposite point of view. (laughter) In general, I support the idea of training and education to provide competence, but horrible examples can be found in all fields to prove that this isn't exactly true. And I think if we consider this question of whether we have licensed attorneys for justice of the peace, we have to be a little bit practical. A lot of testimony has been heard this morning to prove that in metropolitan areas where there are lots of attorneys available, in most cases attorneys fill the judge's positions. We must be practical, because in our outstate area, this condition doesn't exist, and it doesn't make good economic sense to force something on

somebody when it just isn't, in a sense, practical from an economic point of view.

Some arguments have been made this morning with regard to doctors removing appendix. "Do you want a doctor to do it rather than somebody else?" I would like to suggest if we are going to think along these lines, we require in the constitution that nobody shall be permitted to service an automobile except a licensed automobile dealer and no gas station or alley garage service, Mr. Farnsworth, because those people can do irreparable harm to an automobile, as you know, by putting it back together wrong, and it costs, lots of times, more money. An automobile is worth \$3, \$4, \$5 thousand sometimes, and these alley garages just do a terrible job, you know, so we should have only licensed automobile dealers practicing on this valuable piece of machinery. But you know it is impractical that we force that on people because they should have a right to choose what they can afford to pay for and buy what they can afford to pay for, and this same thing, I feel, in a sense, should apply to justice. This isn't an unusual analogy to make because of the costs involved in some other fields as compared to law and justice—

CHAIRMAN VAN DUSEN: Excuse me, Mr. Hubbs. The committee will be in a little better order, please.

MR. HUBBS: The costs of machinery and things that lots of times unlicensed and untrained people work on are just as damaging to people as poor justices would be. And considering this whole justice of the peace question, I have heard a lot of static about the fee system and the high cost of justice to people in that sense, but I would like to point out the high cost of justice when you have to hire an attorney to go into court for you. And maybe it would be a good idea, since justice is such an important thing to people, and of such a fragile quality that only attorneys in some instances can handle it, that we socialize the justice system and require that all attorneys be employees of the state and work for a flat fee and that justice be available to everybody—just like education—since it is so valuable, we should get it free. And in this way, everybody would get justice. It would probably be very mediocre but we would get it and we wouldn't have to pay for it, and all attorneys would get exactly the same fee. Then I would go along with making all attorneys judges and setting up the monopoly for them under that system whereby the state took care of it.

Mr. Ford makes some very good points. The people will finally elect attorneys. And even in our area, I myself will always vote for an attorney if he is available and qualified. One thing that I would like to persuade you to with regard to this particular thing is this: the public reaction to 57 attorneys setting themselves up with a legal monopoly over the justice system and the legal business of the state is not going to be a good public reaction. And I am going to tell you right now that you are not being practical; you are being ivory tower theorists when you think you can cram that down people's throats. They won't buy it. And I am talking about intelligent, educated people who will not accept this kind of a proposition, because they would like to be practical just as I would.

Now, as far as the future of the justice of the peace system is concerned, it is my hope that when the legislature gets around to dealing with this, the evils that do exist in the justice of the peace system will be cleaned up by setting up proper educational requirements. I think that possibly a man should at least have gone through high school and that he be able to read and write (laughter) and the reason I set up these bare minimums is because there are a lot of intelligent people around who have been educated in the hard school of life who I would take a back seat to any time, even with any degree that I might possess, because they know far more than I do from hard learning, and that is why I say the minimum requirement. But I think that the legislature, when setting up this court that we hope to achieve where we will not absolutely be required to have attorneys, can say in effect that after you get elected, if you cannot demonstrate competence within 2 years to pass a test which will determine whether you have tried to be competent or not, then you will not be eligible to

run again. And I think that by legislation we can set up proper safeguards over this thing and be practical about giving us inexpensive justice in outstate Michigan. And I don't think that the metropolitan areas will be hurt in the least, and I think that in the long run if you force, arbitrarily, lawyers as judges on us, you are going to hurt the constitution.

CHAIRMAN VAN DUSEN: Mrs. Butler.

MRS. BUTLER: Mr. Chairman, members of the committee, I just wonder if any of you are aware that there are counties who don't have a lawyer in them. There is one county in the upper peninsula that doesn't have a lawyer. And I notice in section b here if a judge is removed from his domicile beyond the limits of his territory, he shall be deemed to have vacated this office. In this one county, the prosecuting attorney lives in another county. I don't know just how they would have any judge of any sort if they were depending on a lawyer. And in another county in the upper peninsula there are only 2 lawyers, and 1 is a prosecuting attorney and 1 is a probate judge.

CHAIRMAN VAN DUSEN: Mr. Beaman.

MR. BEAMAN: Your Honor and ladies and gentlemen of the jury, I rise to a point of prerogative writ (laughter) to endorse the amendment. And I would like to say to Mrs. Butler that if she has a county up there in the upper peninsula, the chamber of commerce should make some publicity of that, because I think maybe I would like to move up there after this convention. (laughter)

CHAIRMAN VAN DUSEN: Spoken with your usual economy of language, Mr. Beaman. (laughter) Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I think that perhaps we are dealing with this problem somewhat out of order. As the committee reported out this proposal, it says "except as authorized otherwise by this constitution." I think perhaps at this time we ought to vote on this amendment and then consider section i, which is the J.P. section. Of course, it is related. Also section e, which requires the incumbent designation for all judicial offices. I am sympathetic to the problem of the sparsely settled areas, and I think that at that time I could certainly support some means of taking care of this question.

Mr. Hanna points out that people have a choice of barbers, which of course they do, and I am sympathetic to the statements he made, because when I get to be Mr. Chase's age, I may lose my hair. (laughter) People do, of course, have a choice of the repairmen for their cars, and they even have a choice of their doctors and lawyers. But people do not have a choice of their judges, and I think that this is something we ought to consider. Mr. Hubbs thinks that J.P.s should be able to read and write. I think where possible, they ought to be attorneys.

CHAIRMAN VAN DUSEN: Mr. McAllister.

MR. McALLISTER: Mr. Chairman, fellow delegates, I don't think Mr. Hubbs is correct in his remarks in regard to the 57 lawyers here being opposed to this amendment. I think most of the lawyers here are familiar with the problems that exist north of Bay City in many counties and realize that attorneys cannot always be obtained to fill offices to serve the people insofar as justice is concerned, and I am sure that he will find it is not true when the vote is taken.

CHAIRMAN VAN DUSEN: Mrs. Cushman.

MRS. CUSHMAN: I am not a lawyer, nor is any member of my family a lawyer. I realize, furthermore, that a law degree is not a guarantee of a good judge, but I don't think that I would have as good a chance for justice in appearing before a man who is not a lawyer as I would before a man who is a lawyer. As a layman, I think my chances are far better of hitting a good judge if he is guaranteed to be a lawyer, and for this reason I would like to support the committee proposal.

CHAIRMAN VAN DUSEN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen, I would just simply like to echo what Mr. King has said. I find that I must vote no on this amendment not because I am out of sympathy with it, but because I think this is the

wrong way to tackle the problem. I think we certainly need an exception for the problem that has been demonstrated here, but I don't think the amendment that is before us now is the solution, and for that reason I must vote no.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Radka, Pugsley, Rajkovich and others to the second sentence of Committee Proposal 96, section a. The secretary will read the amendment.

SECRETARY CHASE: The amendment reads:

[The amendment was again read by the secretary. For text, see above, page 1494.]

CHAIRMAN VAN DUSEN: Mr. Radka requests a division. Is the demand supported? It is supported. 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 tally the vote.

SECRETARY CHASE: On the adoption of the amendment, the yeas are 87; the nays are 31.

CHAIRMAN VAN DUSEN: The amendment is adopted. Mr. Danhof.

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

CHAIRMAN VAN DUSEN: Mr. Danhof, would you withhold that briefly. Mr. Farnsworth was seeking recognition.

MR. DANHOF: I will withhold it.

MR. FARNSWORTH: Mr. Chairman, this will only take a moment. I wondered if the Chair would consider at this time advancing Delegate Hubbs to the junior class and letting Mr. Beaman take his place in the sophomore class. (laughter)

CHAIRMAN VAN DUSEN: Without objection, it is so ordered, Mr. Farnsworth. (laughter) Mr. Danhof.

MR. DANHOF: I move the committee do now rise.

CHAIRMAN VAN DUSEN: Mr. Danhof moves the committee do now rise. Those in favor of the motion will say aye. Those 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 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; has adopted one amendment thereto and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Are there any announcements?

SECRETARY CHASE: We have the following note that was received this morning:

To the delegates and staff:

Your kind expression of sympathy in our recent bereavement was greatly appreciated. Please accept our grateful thanks.

Sincerely, Alice and Cliff Perras.

The committee on style and drafting will meet in room K at 8:00 o'clock this evening. Mr. Cudlip chairman; and the meeting of the committee on administration which was scheduled for today has been postponed until tomorrow.

Mr. Hoxie wishes to be excused from the session of this afternoon and tomorrow afternoon; Mr. Hatch asks to be excused from tomorrow's session; and Mr. John Hannah requests leave from tomorrow's session because the council of state college presidents of the Michigan coordinating council for higher education and 2 of the important committees of the legislature will begin an all day meeting at the Kellogg Center.

PRESIDENT NISBET: Without objection, the excuses are granted.

The Chair recognizes Mr. Page.

MR. PAGE: Mr. President, I move that the convention recess until 2:00 o'clock this afternoon.

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

The motion prevails. 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: 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 last sat, we were considering **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. We were considering the second sentence of section a of that proposal. The secretary will read the next amendment to that sentence.

SECRETARY CHASE: Messrs. Ford and Danhof offer the following amendment:

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

CHAIRMAN VANDUSEN: The question is on the amendment offered by Messrs. Ford and Danhof. Mr. Danhof.

MR. DANHOF: Mr. Chairman, members of the committee, in view of the amendment adopted earlier by the committee of the whole inserting the words "of record" after "courts," and in line with the statement made by Mr. Rajkovich, one of the sponsors of the amendment, putting in the words "of record," in order that there would be no confusion—and as Miss Donnelly had pointed out, that the matter therein regarding the age qualification would have been limited to courts then of record—Mr. Ford, the vice chairman of my committee, and myself offer this amendment so as to make sure that the 70 year age requirement is maintained within the constitution.

Mr. Rajkovich stated it was not their intention to disturb this but simply to limit the requirement that the judges be licensed to practice law to courts of record, and in line with that, Mr. Ford and I offer this amendment to maintain this provision as the committee wrote it in the light of the amendment adopted by the committee of the whole. We urge the adoption of the amendment.

CHAIRMAN VANDUSEN: The question is on the amendment offered by Messrs. Ford and Danhof. Does any delegate desire to have it read again? If not, those in favor will say aye. Those opposed will say no.

The amendment is adopted. The secretary will read. Are there further amendments to the second sentence, Mr. Secretary?

SECRETARY CHASE: Messrs. Sleder, Plank and Radka offer the following amendment:

1. Amend page 1, line 10, after "judges" by inserting a comma and "except probate judges,"; so the language will then read:

Except as authorized otherwise by this constitution, justices and judges, except probate judges, of the courts of record of this state shall be lawyers licensed to practice law.

CHAIRMAN VANDUSEN: The question is on the amend-

ment offered by Messrs. Sleder, Plank and Radka. The Chair will recognize Mr. Sleder.

MR. SLEDER: Mr. Chairman and fellow delegates, we definitely appreciate the work of the judicial committee relative to their effort in attempting to improve the probate courts, and I fully realize that this provision that they have placed in the report of making the probate judges attorneys as a requirement of holding the office is in the hope of being able to improve the probate courts. I should like to point out, however, that in the past 60 years that we have been operating under the Constitution of 1908, which does not have this provision, it has been pointed out that there are about 1/3 of the probate judges who are nonlawyers, and about 2/3 are lawyers. We are confining our remarks to principally 30 or 35 judges.

I think we should take into consideration the fact that the work of the probate court deals in several functions. Probably the 2 large functions are the juvenile work and the probating of estates. It is, I feel, quite evident that other types of qualifications can well serve as a basis for a probate judge—such as we could consider a CPA would be very well qualified in the handling of probating of estates, or that people trained in juvenile work would be qualified in some areas as a probate judge. I do agree and admit that as to the laws which they operate under, probably an attorney is best trained.

The fact, I think, was brought out very well this morning when we were speaking about the courts of record relative to the requirements and the availability of the attorneys in the more sparsely populated counties, and of course I think we will find when we make a survey of the 35 nonlawyer judges we have that most of them are located in the northern part of Michigan, and of course we have made this provision as of yesterday where it is possible for the legislature to combine counties and with the hope, I am sure, that if the provision is put in there, then these counties could better afford an attorney if there were 2 or 3 counties combined. I should like to point out several problems, on this basis, that will evolve, and that is the fact that it will be difficult when one county is without a judge and it may adjoin a county such as Wexford county where the probate court there has a full load and they cannot join to that, the other counties surrounding it are well satisfied with their jurisdiction, and here we will have one county left without a probate court and possibly no lawyer within that county that will be willing to accept the job. This, I think, will bring about complications if this is written into the constitution.

So I come to one of my main points, and that is I feel that this provision should be a part of the work of the legislature. When the legislature combines these counties, at that time if they so wish and so see fit that these probate judges should be attorneys, I feel then they should have the right and the privilege of putting it into the statutes. I don't feel that we should put it into the constitution and hope that the plan that has been well thought out and devised by the committee will work out. I think as the time goes on and the counties are combined, as the legislature may do, they then may stipulate, if they so wish, in these areas to have attorneys.

Certainly this brings about the next point. I feel in the past and in the future we must have and should have the control and the decision by the people on the county level. Certainly the attorneys, where they are available, can run for the position. Laymen who feel they are qualified likewise can run. Let the people determine who they themselves feel should be best qualified to hold the position. Certainly in the areas of local and home rule, we have given this jurisdiction to the people to decide. I think we can do it in areas of our court structure or our court qualifications of men who are seeking the position. I feel that this decision as to who should serve in the probate court can be well testified to by the election of the people, and I think if we look back over history, as I said, we find that now 2/3 of the probate judges are attorneys. This has been decided by the people. Certainly there is only 1/3 of the judges left. I think as the population grows in the

sparsely populated areas, the people there, too, will decide and will choose attorneys for the positions, as they have in the southern part of the state, without the requirement in the constitution that they be attorneys.

And in conclusion, I should like to point out that this is not a structure change in the courts of the state of Michigan; it is only a stipulation as to the qualifications of who may serve as judge. I, therefore, would recommend that you give this amendment very serious thought and vote in favor of it. And, Mr. Chairman, I should like to relinquish to Delegate Plank.

CHAIRMAN VAN DUSEN: The Chair will recognize Delegate Plank.

MR. PLANK: Mr. Chairman, fellow delegates, contrary to some feeling, I really am in favor of the attorneys when we sponsor this amendment, mainly because I think I have more confidence in them than you do. My confidence comes in believing that the people will choose a man who is better qualified if he runs. The only thing I object to is fixing it so no one else can run, and therefore a man who perhaps had a law degree 50 years ago and could run on that today, wouldn't be nearly as qualified as a good layman. Along the same type of thinking, you might say it is necessary to be an attorney to be a probate judge. Then why not write into the constitution that you must be a teacher to be on the school board or a professor to be on the university board of regents.

If there are no appeals, then I would say that perhaps you should stipulate that we have a man schooled in law to be a probate judge, but today in all our courts if you are not really satisfied, you can take the appeal to a higher court and even more qualified individuals sitting on the bench. Therefore, I recommend that you vote for our amendment, and recommend that you not freeze into the constitution something that might be difficult to live with in some of the smaller counties in the state of Michigan. I would like to yield, Mr. Chairman, to Delegate Radka.

CHAIRMAN VAN DUSEN: Mr. Radka.

MR. RADKA: Mr. Chairman, delegates, I believe that we heard all of the arguments this morning. These arguments that related to our problem of lack of attorneys in the northern part of the state and in the upper peninsula lead to our putting in this amendment relating to probate judges. The difference is, of course, here—and we recognize it—that we have now passed a provision which will allow the creation of districts for probate courts. This, of course, makes the problem somewhat different. I recognize that. But I would like to point out that in the year 1955, a constitutional amendment was passed by the people. Prior to this time, a supreme court justice and circuit judge were not required to be attorneys, and because of a situation which arose in the state, everyone became excited. A certain probate judge decided to run for circuit judge, and he was not an attorney, and I think that this sparked the impetus for the passage of this particular amendment. It is very interesting to note that the people passed this amendment in 1955, and this amendment required that supreme court justices and circuit judges be licensed to practice law. It is interesting to realize that they did not at this time include probate judges.

I submit to you that the reasons which existed in 1955 which the legislators were aware of still exist today, and I would say that I would rather allow the people to determine the qualifications of their probate judge rather than have 144 delegates or part of 144 delegates determine the qualifications the people's probate judge should have.

CHAIRMAN VAN DUSEN: Mr. Tubbs.

MR. TUBBS: Mr. Chairman and ladies and gentlemen, I have long since given up the notion that the only qualification for a judge in the state of Michigan should be the ability to get elected. Thirty-eight of the 50 states in their constitutions put in the requirements for being judges, and the minimum requirement is that they are licensed to practice law.

I agree with the gentleman who talked about haircuts this morning that if he goes to one barber and gets a bad haircut, he can go to another one next time, but he is the only person who is concerned and the only one hurt because he got a poor

haircut. But when you are representing a client before a court, you don't want to be forced to appeal to overcome the deficiencies of the judge that you are trying your case before. It is expensive business for your clients, and you would rather try your case before a person at the lowest level who has the legal ability to try it and answer the questions involved.

I have given this illustration. We dealt with justice courts this morning. I take it, however, it fits our situation now. One of the cases in Michigan which is a landmark in municipal law involved a justice court decision involving a \$10 note. It was appealed to the circuit court and went to the supreme court. The justice of the peace, the circuit judge and the members of the supreme court all had the same identical question to answer. If it had been answered in the proper manner at the first instance by the justice of the peace, no appeals would have been necessary. Now, if you want probate judges who are not lawyers, I submit that you are going to have them for quite a while, because the provisions that we have written in this constitution, if they are adopted, put in a grandfather clause, and we are not going to hurt any of the present nonlawyer judges.

It happens that 38 years ago I began to work for a member of the 1908 convention who was on the judicial committee. He told me many times that they did not put in the qualifications for judges because they didn't think anybody would ever have the temerity to run for the supreme court unless he was a lawyer, nor would anybody ever have the temerity to run for a circuit judgeship unless he was a lawyer. The probate judges, he said, would take care of themselves because as the state grew and the lawyers grew in proportion, there would be lawyers running for the jobs and they would get them. We still have 33 counties in which the judges are not lawyers.

Now, you have seen the bar poll. I can assure you that the probate and trust law section has been working on this for years. The probate judges association has been working on it. And the consensus of opinion throughout the state among people who deal with the probate courts is that the probate judges—and this applies also to some of those lay judges that you are trying to protect—should all be lawyers and we would then have a fine court system. Thank you.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Sleder, Plank and Radka to the second sentence of section a of Committee Proposal 96. Mr. Ford.

MR. FORD: Mr. Chairman, I have to oppose the people I have been voting with earlier in the day on this. I don't think that the same reasoning that prevailed with respect to the statutory courts—and all of the courts below probate are going to be statutory in the future if this document is adopted—applies here.

We have to understand that the only way that a probate judge could be required to be an attorney in the future would be by a constitutional amendment, since we are talking about a constitutional court. This is not the case with respect to the courts we talked about earlier. And for that reason, I felt that we shouldn't freeze into the constitution a requirement at this time, but leave it to be handled by the legislature in such a manner as not to cause inconvenience throughout the state.

If the proponents of this measure would ask for the same kind of flexibility that we have asked for with the lower courts—in other words, to put language in here that would permit the legislature to impose upon that part of the state or all of the state at that time, when it thought wise, a requirement that judges be lawyers—then I would be constrained to support them. But when they take from the constitution any authority for the legislature to place such a requirement on the probate courts in the future, then I feel that we have to support the committee and vote against the amendment.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Sleder, Plank and Radka. Mr. Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, the requirement here that the judges of probate be attorneys is based upon the idea that we have done many things which will alleviate the present system.

First of all, if you will read ahead in Committee Proposal 96, you will find what is known as a grandfather clause in section f, which will allow nonlawyer probate judges to continue to seek reelection as often as they can convince the voters that they should be elected to their office.

I think, however, that we all agree that the time is fast approaching when, due to the complexity of the probate nature of the court, the legal questions that are therein involved concerning the administration of the states plus the fact that almost 40,000 juveniles were arrested—and, as Mr. Norris pointed out the other day, it is in this field that the civil rights are probably ignored as greatly as in any particular field—the idea of judges being lawyers is an important one.

Judge Coleman came before us, and she is an attorney. She emphasized that in her court at least, she is recommending more and more attorneys be appointed to represent juveniles, for the simple reason that they do have some rights and that it is necessary that they be protected by an attorney. Now, it is mandatory that if that be done, at least the judge be there to recognize the problem when it is approaching, and for that reason the committee recommends and urges that this amendment be defeated and that the judges of the courts of record of this state be made to at least have, as a minimum, a license to practice law.

I agree there are other qualifications which should enter in. We have allowed for the districting of counties. We allow for the grandfather clause to continue, so that this will not be an overnight change. It allows for freedom, and for the legislature to study the problem and to provide for the districting when and if judges who are not attorneys have retired or, if they do stand for election, are defeated or resign, or there is a death in the office. Therefore, the committee very strongly feels on this matter and urges that the amendment be defeated.

CHAIRMAN VAN DUSEN: Mr. Norris.

MR. NORRIS: Mr. Chairman, I want to underscore the excellent points that were raised by Mr. Danhof as chairman of the judiciary committee. I do want to stress 2 fundamental propositions, both based upon the major premise that all people have an interest to see that the judicial power is used in the advancement of justice—this is its function—and that this justice is a high value in the public interest, all of the public in all sections of the state including those areas now serviced by probate judges who are not lawyers. Now, how do we get this, not only in terms of getting people who are attorneys of quality in the community, but persons who have specific training for the job at hand?

I was quite disturbed to see Mr. Sleder, I believe it was, make the point that it is quite possible, for example, to have a CPA or some other person act as a probate judge. I don't wish to be facetious or condescending or patronizing, but ignorance is sometimes bliss, and this is one statement which conjures that up in my mind. When a probate judge deals with the administration of estates and the construction of wills involving what lawyers know as the rule in Shelley's case and the rule on perpetuities, very complicated matters with regard to the judicial construction, I venture to say that this would place quite a strain, even upon those schooled in the methods of certified public accountants, to deal with these problems.

There is no question in my mind but that this is one of the most complicated areas of law. It is a body of law which goes back to Anglosaxon law for several thousands of years and requires a person who is schooled and trained to see that the words are properly construed and that justice is served, and I don't see how this can possibly be done by a person other than one who is licensed to practice. It is one of the anomalies, too, of that same position that a person who comes before that court must be licensed to practice. The person who practices before that court must have a license. And yet the person who is to make the judgment need not have a license to practice law. This is a fundamental inconsistency, and it seems to me we ought to give that appropriate weight in our judgment with regard to this. And the third point I wish to make, Mr. Chairman, is that we have in a previous section indicated that the

probate judge shall have exclusive jurisdiction over juvenile matters. The courts have upheld the idea that a person who is a juvenile does not have the benefit of the protections of the constitution of the state of Michigan or of the United States. A juvenile does not have a right to counsel. He does not have a right to have the nature of the charge given to him in detail. He does not have the right by the constitution to cross examine and to confront witnesses and to avoid many of the pitfalls of hearsay and speculation and conjecture.

Now, with the absence of those rights, you are also going to compound the felony by saying the person who is going to protect the interest of the juvenile in the community need not be a lawyer, a person who doesn't even recognize that there are certain constitutional rights which are being constitutionally denied, so that he is not moved to exercise the kind of overseeing of this matter, the kind of examination that is necessary to protect the rights of the individual and the community that is before him in a given case. And it seems to me that here we have an excellent opportunity to elevate the standards of judicial performance in this state. This is one of the needs that experience has demonstrated since 1908, and we ought to give this the kind of weight it deserves in our decision in this matter.

I am certain in my own mind that the people who have been speaking here with regard to this matter ought to re-examine their position in the light of the debate and in the light of our function here to see that in operation a constitution ought to be dedicated to raising the elevation of the performance of judicial power and not minimize. I urge that we defeat this amendment.

CHAIRMAN VAN DUSEN: Dr. Nord.

MR. NORD: Mr. Chairman, I must say that it is with stupendous regret that I have to speak on this subject at all. I feel that it is almost an uncouth subject to talk about. It is such a blow to hear anybody stand on the floor and make remarks to the effect that a layman who feels he is qualified could do a good job as a probate judge. I know there are some probate judges who are not lawyers. In fact, I have some of them as students in my class—and that doesn't reinforce my opinion that they are qualified. My opinion is they need to become qualified, but not that they are qualified.

The definition by law in this state of a person qualified to practice law is that he has passed the bar examination or otherwise been admitted to practice by reciprocity, by having been admitted in some other state. Otherwise, by law he is disqualified from practicing law. He cannot practice in a court of law unless he is licensed to do so, as has been pointed out by Mr. Norris. If he cannot practice before the court, if he is as a matter of law disqualified—may I proceed?

CHAIRMAN VAN DUSEN: You may proceed, Dr. Nord.

MR. NORD: Mr. Chairman, the matter before us is no drop in the bucket, and if people will insist on reading newspapers when this is going on, or having other private conversations, they can be expected to vote wrong on this subject.

CHAIRMAN VAN DUSEN: Your point is well taken, Dr. Nord. The committee will be in order.

MR. NORD: As the saying goes, "Ah appreciate it."

The point I was making—and I may have to start from the beginning, I believe—(laughter) the point I was making is that laymen are by law not qualified to practice in a court of law. Therefore, it follows quite clearly that they are not qualified to be the judge in that court of law. Therefore, let us not get mixed up and say that some laymen are more qualified than others. As a matter of law, none of them are, and as a matter of fact, in my experience, the same thing is true.

When a judge of the probate court gets matters before him connected with the probate of a will, this is no easy matter. He has to know the doctrines of estates and land, for example. And let me ask you, who are the laymen who feel you may be qualified, a few questions. Let me ask you whether you recognize any of these words which have to do with estates which may be in a will and which a judge of probate must understand, must know what they mean. What

is a fee simple? What is a fee simple absolute? What is a fee simple defeasible? What is a fee simple determinable? What is a fee simple subject to conditions subsequent? What is a fee simple subject to executory limitations? What is a life estate? What is a life estate *pur autre vie*? What is dower? What is a reversion? What is a remainder? What is a contingent remainder? Don't all answer at once. (laughter) What is the possibility of reverter?

When you get to the perpetuity rule that was pointed out by Mr. Norris, that is one of the most exciting rules—there is no doubt about it—and mathematical type rules that there are in law. My students have great difficulty in mastering that, and by good luck all the bar examiner expects the students to know is the rule, not how to apply it. It is too hard to apply—but just to know how to recite the rule.

Now, when you get to wills, the doctrines involving wills are no easy matters either. What do the laymen who say they may feel qualified think about questions like this? What is the effect of mistake in the inducement on a will? What is the effect of mistake in the execution? Can a will be partially valid? What is a holographic will? Does a will need to be published? What is meant by incorporation by reference? What does the doctrine of dependent relative revocation mean?

Mr. Chairman, I believe this matter is extremely serious. I regret very much that what we see here is a step by step attack on the whole idea that we should have justice in this state and that it is our business to make sure that we have justice in this state. First we pick a little piece here. That goes pretty well. So we say, let's pick a bigger piece. If we keep that up, we can't afford to let even the first little piece get into these texts. But that is what we have been doing, a little bite, a bigger bite—pretty soon nothing is left. I say we have gone too far. Let's not make the same mistake twice. Once in a day is sufficient. Let's defeat the amendment.

CHAIRMAN VAN DUSEN: Mr. Dell.

MR. DELL: Mr. Chairman and members of the committee, following these qualified speakers on this subject, I may be getting into foreign territory, but trying to apply it to the upper part of the state—and I being at the head of a finance department of a county, have been for many years—our judge of probate has never been an attorney and I think the office has been well taken care of during this period by qualified men. But our present judge is going to retire, and therefore this grandfather clause will take effect at once, as far as we are concerned. We have 3 attorneys in the county. One is already prosecuting attorney by default because no one else wants to run for the office. Now we are going to have to accept 1 of the other 2 for probate court and probably fill that office by default.

Now, I wonder whether it is better to fill these positions by default rather than taking someone who is not an attorney who would be qualified. Under the circumstances—they say that we can likewise consolidate counties. I don't presume that we should try to decide this by the finance—but I am certain that under the circumstances, if we consolidate, it is going to cost us more money than our present system. For these reasons I must support the amendment.

CHAIRMAN VAN DUSEN: Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman, members of the committee, this is a question that comes quite close to the district I represent. There are 4 counties. Charlevoix county currently is served by a probate judge who is not a lawyer; the same applies to Benzie county and to Leelanau county. Antrim county has a lawyer as a probate judge.

Now, we have heard quite a bit about the grandfather clause as being a palliative, perhaps, or a solution or something that will take care of the interim, and insofar as the incumbent is concerned, that is so. It is not my purpose to be defending them. The constitutional convention has already made provision for them as long as they satisfactorily perform their duty and can get reelected. But what of the county—what of the area—if we go into a district, what of the district that is not able to get a lawyer who is willing to so serve?

Now, contrary to maybe some thoughts here, the lawyer who presents himself as a candidate for judge of probate because of his training has, should I say, the inside track. He has a tremendous advantage to being elected, so that it is not necessary to write into the constitution in this particular office that not only would he have the inside track, but that he would have the absolute guarantee if he is the only one who was willing to present himself for that office.

I am saying again that I am pleading for the consideration of the people in the small communities, in the small counties. If the nonlawyer is not competent, he can be voted out of office, but how difficult it does get when the field is confined to maybe one person and you want to vote him out of office and there is nobody that will be able to qualify to replace him. I am very strongly in favor of this provision being written into the constitution that will allow the small counties to exercise their rights of self government by electing the man that they think is the best qualified for the job, be he lawyer or not.

CHAIRMAN VAN DUSEN: Mr. Austin.

MR. AUSTIN: Mr. Chairman, members of the committee, I hope my remarks will be interpreted as being in opposition to the amendment. I am not in a position to talk for all experts in the state outside of the legal profession, but I do feel somewhat qualified to speak for the 3,000 certified public accountants who are licensed to practice accounting in the state of Michigan.

It is my view—and I think I can speak on behalf of the CPAs—that laymen, including certified public accountants, are not qualified to practice law or to make judicial decisions involving legal matters. Accountants do find it necessary to involve themselves in the interpretation of laws where taxation is involved, but even there they will do it to a minimum. I think that accountants generally spend more time studying the laws relating to the liability of accounting practice than they do any other type of law. CPAs do serve as members of the team involving estate and tax matters, but lawyers are members of these teams. Actuaries and investment counsellors are members also.

It is my personal view that admission to the bar should be a requirement for not only practice before a court but also certainly for presiding over a court. And I would like to say further that if it is necessary to use horrible examples of experts who might be qualified to preside over courts, I would prefer you not use the CPA. Use the plumber (laughter), the barber, notaries public or some other experts. I am opposed to the amendment.

CHAIRMAN VAN DUSEN: Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, members of the committee, I hadn't intended to say anything about this matter, but I cannot let the impression go by that the only place in Michigan that you have good nonlawyer probate judges is in northern Michigan, because that just isn't so. In Allegan county we have a very, very good one—at least my people think so; they vote for him quite regularly and put him back by good majorities—the fact is, without any opposition. We like him. He is doing a nice job. He happens to be a Methodist minister. Incidentally, he defeated the incumbent judge that was a lawyer.

I came to the convention definitely with my mind made up that if this kind of an amendment came up, I would vote for it. But the lawyers' arguments certainly have convinced me that we in Allegan county have indeed been fortunate that we had a layman that was that good. I don't want to take the chance in the future, even for my own county, to let it pass here without supporting the committee on the stand they have taken. I am against the amendment wholeheartedly, and I hope that you support the committee by voting the amendment down.

CHAIRMAN VAN DUSEN: Judge Mosier.

MR. MOSIER: Mr. Chairman and fellow delegates, I have been on the judicial committee, and this question of the matter of judges being qualified by at least being lawyers has had the serious consideration of the judicial committee. It is

something that we have discussed frequently and given good attention to. Some of us have been able to make a contribution to that committee by reason of our experience. Over a period of some 50 years, I have observed the probate courts in my corner of the state, and I want to speak of VanBuren county in particular.

Some 50 years ago the judge of probate in that county was in the office of the judge of probate one day a week. The rest of the time he spent elsewhere. He had one register. The 2 people ran the office. In the last 50 years the population of VanBuren county has increased about 10,000 in population, but the work of the probate court has increased materially, to the extent that there is now a personnel of some 6 or 7 in that office every day. It isn't all clerical work. The judge of probate is frequently called upon to make decisions that involve legal points, questions such as Dr. Nord has suggested, and I am convinced that a judge of probate who is a lawyer and has had legal training is in a much better position to give a correct decision than one who is not a lawyer. We have come to the conclusion that the enhancement and the building up of the virtue of our judicial system in Michigan must be bettered by insisting that persons who hold judicial offices be judges. There seems to be a demand for that throughout the entire state.

Just as an example, let me call your attention to the questionnaire that was sent out by the state bar of Michigan this winter. They asked this question, "Should probate judges be required to be lawyers?" And the answer came back: yes, 4,998; no, 54. Out of some 5,000 lawyers, it is almost unanimous that judges of probate should be lawyers.

Now, as a member of the judicial committee, we felt that it would be unfair to the 1/3 of the judges of probate of Michigan to instantly pull the rug out from under them, some of these nonlawyers serving in various counties. In fact, in my own home county we have a nonlawyer who is a judge of probate. He has done a good job. He has been reelected. But we feel that the transition period that we have provided for in our probate procedure and the election and maintenance of the office of the judge of probate is well taken care of to protect those nonlawyers who are holding the office of judge of probate in the smaller counties. Those nonlawyers can be reelected. They can hold the office as long as the people of that county want them to hold it. But if the time comes that there is no lawyer in that county who is able or is willing to be judge of probate, then we have provided, as you will note by our proposal, that the legislature could then step in and combine 2 or more probate courts into one court to be served by a judge.

In my opinion, I think that the proposals of our committee have been eminently fair, that they are far looking—and they should be far looking—into the future to see that the judicial work of Michigan is conducted by people who are qualified and certified to do that type of work. Personally, I oppose the amendment and stand by the committee's proposal.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Sleder, Plank and Radka. 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 amendment is not adopted. Are there further amendments to the second sentence of section a? If not, the secretary will read the third sentence.

SECRETARY CHASE: Mr. King has an amendment to the second sentence.

CHAIRMAN VAN DUSEN: The secretary will read the amendment.

SECRETARY CHASE: The amendment reads as follows:

1. Amend page 1, line 10, after "courts" by striking out "of record"; and in line 11, after the second word "state" by inserting "except that the legislature may create courts of limited jurisdiction in counties under 25,000 population, which law may provide for the election of nonlawyer judges."

CHAIRMAN VAN DUSEN: The question is on the amend-

ment offered by Mr. King, on which the Chair will recognize Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I hope that we won't get into extended debate on this, because I think everything that can be said has been said. I think that we all recognize that what Dr. Nord said was true, of course; that being a judge is more than just an honor. It requires a little more than compassion and a little more than the ability to read and write. An understanding of the law is essential. But there are situations in the state of Michigan where this just seems to be impracticable, so therefore I would like to offer, as a possible solution to this knotty problem, the idea that in those small counties the legislature can continue to provide for courts of limited jurisdiction without the requirement that the judges be lawyers, and in the rest of the state the citizens can have the best justice which can possibly be made available to them.

I think that we all realize when a lawyer talks on this subject, he is not talking for himself. I have no desire to be a JP or anything that replaces a JP, but I do have a real desire to represent my client when I go into court. I have had some sad experiences and I don't care to take your time relating them because I don't think this is the place for it, but I think that the very least that you ought to be able to hold out to your client is that his case will be heard by a man who understands the law; that he won't have to rely on the police officer and the prosecutor to tell him what the law is. I have had JPs tell me, "Well, you can always get a trial de novo if you don't like my understanding or lack of understanding of the law." Well, of course you can, but these things cost money. They mean fees for the lawyers. Every time a lawyer appeals a case, this is another fee, and maybe we should be happy about this, but frankly I am not. I would rather get justice the first time out.

I think that this proposal is reasonable. It takes into consideration the fact that there are extenuating circumstances in some of the smaller counties in the state, and it follows up the remarks that I made earlier with regard to handling the problem at this particular time.

CHAIRMAN VAN DUSEN: Mr. Madar, did you seek recognition on the King amendment?

MR. MADAR: I just wanted to say, Mr. Chairman, that this morning we discussed at great length trying to reintroduce amendments, and I hope that we won't have to listen to this one all over again like we did yesterday and the day before. I hope we get to a vote quickly.

CHAIRMAN VAN DUSEN: Mr. Lawrence.

MR. LAWRENCE: May I ask Mr. King a question?

CHAIRMAN VAN DUSEN: If the gentleman cares to answer, Mr. Lawrence.

MR. LAWRENCE: Mr. King, would you object to your amendment being amended so that it read, "except that the legislature may create courts of limited jurisdiction not of record in counties under 25,000"?

MR. KING: No, I would have no objection to that whatsoever.

MR. LAWRENCE: I wonder if it might be so considered.

CHAIRMAN VAN DUSEN: Without objection, the amendment will be so revised. I hear none.

[Following is the amendment as revised:

1. Amend page 1, line 10, after "courts" by striking out "of record"; and in line 11, after the second "state" by inserting "except that the legislature may create courts of limited jurisdiction not of record in counties under 25,000 population, which law may provide for the election of nonlawyer judges.".]

The question is on the amendment, as revised, offered by Mr. King. Mr. Danhof, do you desire recognition on the King amendment, as revised?

MR. DANHOF: Mr. Chairman and members of the committee, my own personal opinions might be in favor of supporting Mr. King, but again I am faced with this particular proposition: as I have argued before, I am not in favor;

particularly, of writing numbers into the constitution, and we took them out when it came to the probate courts. I think that we have before us a matter which could well be considered when the legislature, as we hope they will do, will establish these courts of limited jurisdiction.

As Mr. Hanna pointed out, it may well be that they will not just consider population alone, because the mere fact that you may have a number of people residing in a particular area does not necessarily mean that there are available the attorneys to staff the judiciary. It is sometimes more important to look at the lawyer population or the active lawyer population than it is the number of bodies that happen to be occupying a particular area of real estate.

I agree that we should obtain the best justice that we possibly can, but I am not sure that writing in an arbitrary figure such as we have here will do it. I favor the report of the committee. I voted that we have lawyers in all courts. But I don't like to begin to carve it up within the constitution. For the reason that I there stated, trying to put my personal feelings aside, which might be a little difficult, I admit, I shall oppose this particular amendment.

CHAIRMAN VAN DUSEN: Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, while I myself had used such a figure of 25,000 in another proposal, I would not want it understood that I favor this one at this time. I feel that we should support the committee in this particular matter and leave this to the legislature. I think this is basically a legislative matter. I believe that if we maintain the articles that the committee has already adopted, we have given the legislature sufficient flexibility for the development of a court of limited jurisdiction which can serve the needs of the people throughout the state regardless of locality, and in the long run the development of such a sound court of limited jurisdiction will ultimately produce a type of court with sufficient business that these courts can be filled by legally trained people. I think that this is a legislative matter. I oppose it—although if I were in the legislature, I might support it. I think we have given the legislature, as of now, in the articles we have passed, sufficient flexibility to solve the problem.

CHAIRMAN VAN DUSEN: The question is on the amendment, as revised, offered by Mr. King. Does any delegate desire to have the amendment read again? The secretary will read the amendment.

SECRETARY CHASE: The revised amendment offered by Mr. King:

[The amendment was again read by the secretary. For text, see above, page 1505.]

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

The amendment is not adopted. Are there further amendments to the second sentence of section a? If not, the secretary will read the third sentence.

MR. FAXON: Mr. Chairman, I want to ask a question.

CHAIRMAN VAN DUSEN: Mr. Faxon.

MR. FAXON: I would like to ask a question on the second sentence. Is that all right?

CHAIRMAN VAN DUSEN: You are in order, Mr. Faxon.

MR. FAXON: Mr. Danhof, through the Chair, on this part here where it says "except as authorized otherwise by this constitution," and then in section f where you state that those people who presently serve will continue to serve, was any thought given to whether this might better be included in a proposed schedule rather than being incorporated into the constitution as such, since the matter would expire after so many years?

MR. DANHOF: Mr. Faxon, in answer to your question, we would have no objection to where it is finally placed as long as it is there. We agree that maybe this is a scheduling provision. On the other hand, we had to provide for it in this particular article. We have another provision in here that is strictly scheduling, section j. We quite agree that this might

not belong in the judicial article either, but it should be in there. Wherever it may be placed is no particular problem as long as it is there and gives the protection that we intended for the sections to do. We have no preference as to where it goes.

MR. FAXON: Then the committee on style and drafting could make any such adjustment as would be necessary to comply with this and yet not include it in the specific language which you have here?

MR. DANHOF: Well, Mr. Cudlip has served on the judicial committee. He knows what we intended. He is chairman of that committee. I am sure he will put it in the right place.

CHAIRMAN VAN DUSEN: The secretary will read the third sentence of section a.

SECRETARY CHASE: Beginning in line 13:

[The third sentence of section a was read by the secretary. For text, see above, page 1478.]

CHAIRMAN VAN DUSEN: Are there any amendments to the third sentence of section a? Are there any further amendments to section a? If not, it will pass.

Section a, as amended, is passed. The secretary will read section b.

SECRETARY CHASE: Section b:

[Section b was read by the secretary. For text, see above, page 1478.]

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Mr. Chairman, members of the committee, for the committee report in this particular section, I would like to yield to the delegate from Bad Axe, Mr. McAllister.

CHAIRMAN VAN DUSEN: Mr. McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I don't believe that this section needs much of an explanation. It means just what it says. If a judge moves out of the district in which he was elected, then, of course, his office is deemed vacant and he is deemed to have vacated the office. I recommend that this section be adopted.

CHAIRMAN VAN DUSEN: Are there any amendments to section b? If not, section b will pass.

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

SECRETARY CHASE: Section c:

[Section c was read by the secretary. For text, see above, page 1478.]

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: The speed with which the last section passed simply amazed me, Mr. Chairman. (laughter) In regard to this particular section, I should like to call upon the delegate from Oakland, Mr. Woolfenden.

CHAIRMAN VAN DUSEN: Mr. Woolfenden.

MR. WOOLFENDEN: I hope to be able to do as well as Mr. McAllister, because I think this section likewise should not be the subject of any controversy. I can give you briefly the background of the section. In section 9 of article VII of the Constitution of 1908—and in turn that language comes from the Constitution of 1850, substantially—there is this language, interpolating so that it is intelligible: circuit judges shall be ineligible to any other than a judicial office during the term for which they are elected and for 1 year thereafter. This provision or one substantially identical is almost universal in the country. The Canons of Judicial Ethics of the American bar association, last amended August 31, 1933, has a similar provision that any incumbent judge cannot be a candidate for any other than a judicial office during his incumbency. That canon has been adopted by the Michigan supreme court for the regulation of the problem in the state of Michigan, Canons of Judicial Ethics.

Now, the language proposed in proposed section c is substantially identical with the provisions I have mentioned from the Constitution of 1908 and the Canons of Judicial Ethics

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	Leibbrand	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.	Leibbrand	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. A¹. 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.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. President, members of the convention, the committee simply felt that the language was not needed. We felt if we just state, "persons who have served as judges and who have retired," we would leave it to the supreme court, in effect, to ascertain who is retired. We don't need the "voluntarily or because of age." If they are retired, they will be drawing their pension, they will have reached an age—it was just a question of draftsmanship more than anything else. The committee felt that if we just struck out the word "voluntarily" as style and drafting had done, and allowed it right then and there, that the discretion would be utilized by the supreme court without telling them "voluntarily or because of age" or for any other reason. So we just let it read, "and who have retired." This is the first amendment.

PRESIDENT NISBET: The question is on the amendment offered by the committee. Those in favor will say aye. Opposed, no.

The amendment is adopted. The next amendment.

SECRETARY CHASE: The next amendment offered by Mr. Danhof, on behalf of the committee on judicial branch:

1. Amend page 4, line 6, [section 1] after "of a" by inserting "court of appeals,"; so the language will then read:

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.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, this is simply to accord to the judges of the court of appeals the same privilege we have accorded to the circuit judge, the probate judge and the supreme court judge. I think it was a matter of oversight when the original amendment was offered. The committee urges the adoption of the amendment.

PRESIDENT NISBET: The question is on the adoption of the committee amendment. Those in favor will say aye. Opposed, no.

The amendment is adopted. The next amendment.

SECRETARY CHASE: The next amendment, by Messrs. Radka, Plank and Sleder:

1. Amend page 1, line 5, [section a] after "of this state" by inserting "except the probate court"; so the language will then read:

Except as otherwise authorized by this constitution, justices and judges of the courts of record of this state except the probate court shall be licensed to practice law in this state. . . .

PRESIDENT NISBET: The Chair recognizes Mr. Radka.

MR. RADKA: Mr. President and members of the convention, might I, at the outset, state that I am serious about this amendment. I say this because the same question was asked of Delegates Plank and Sleder when they offered this amendment during the first reading. Might I further say that I offer this amendment as an attorney. I offer it in good faith and without any pangs of conscience; nor do I consider myself a traitor to the profession of which I am a member.

I can well remember the days when I first went to the University of Michigan law school and the freshmen aspirants were addressed by several of the professors of the school and by the president. These words rang through my mind many times and they ring through my mind especially this afternoon: the staff urged the new attorney aspirants to consider, as they were going through their years of law school, taking up practice of their profession in the outstate areas. The staff recognized that there is a tendency for young attorneys, when they finish law school, to congregate around the metropolitan areas.

The reason that I offer this amendment is not for any other reason than to be realistic about the attorney population which we find throughout the state. I might parenthetically apologize to Delegate Heideman who pointed out that the research people who gave me the lawyer population as of January, 1962, failed to show any attorney in Keweenaw county. I am real happy, in one respect, that this happened because this shows that this lawyer population map that I have is not completely accurate and it is not completely real-

istic. For instance, it shows that there is 1 county that has no attorney. It shows that there are 4 counties that have only 3 attorneys; that 5 counties have only 4 attorneys; 4 counties have only 6 attorneys; and there are other counties that have only 1 or 7, 8, 9 and 10 attorneys. Now, I point this out, that there are a whole lot of counties in this state where the attorney population is low. This is according to the research or the records that I received from our research staff. I would like to also add that even though you find a county that has 6 attorneys, this does not mean that you have 6 attorneys who are available to assume the job of probate judge or other particular positions; for instance, the prosecuting attorney. This sentence shows that there are attorneys there, that many are retired circuit judges, many are not practicing, many are retained exclusively by corporations or businesses in the area.

I offer this amendment, recognizing that in this state at present we have 33 lay probate judges. Now, in 1955 the legislature presented an amendment for the approval by the people of the state of Michigan that all circuit judges and supreme court justices be licensed to practice law. This is because they became frightened when a lay probate judge suggested that he was going to run for circuit judge and there was nothing in the constitution which prohibited this; and the amendment was offered. I believe that the amendment was sound. Certainly, today we have all attorney circuit judges and supreme court justices. But we do have 33 lay probate judges in the state of Michigan at this date. Now let's just look practically at what we are doing by saying all probate judges will be attorneys if this constitution that we are working on is adopted. These probate judges who are laymen are protected by the so called grandfather clause. On the surface, this is good. It sounds as if we're not taking any drastic steps. But I submit to you that this grandfather clause has as many evils in it as it has merits. What we are doing in these 33 counties is freezing in the lay judge because no other lay judge can run against the present lay judge. And if no attorney decides to run for the probate judge position, then we are making things real easy for—or as I would say, freezing in—the lay judge. But there is another side to this. We're also freezing in a scalawag attorney in a county where the population of attorneys is not too great; no other layman can run against him and if other members of his profession in these particular counties choose not to run against him, we are freezing in the scalawag attorney. I said before, on the first reading, that I felt that the legislature in their judgment and wisdom had good reason to exclude the probate judges from the constitutional amendment and I say those reasons are present today.

Now, let's just take a few examples of what happened. I don't blame particularly the delegates on the judiciary committee for wanting to have all probate judges attorneys. I want this too. And I don't think that the attorneys in this convention should be criticized for wanting to do this. I think that the criticism lies in the profession itself, because the attorneys in the past, in many cases, have not chosen to assume the responsibilities of a probate judge. Why? Because, you say, the salary was not great enough. Well, I question if holding dollars in front of people who are proud of their profession should be the only stimulus to make them undertake the responsibilities of the judiciary which we are going to pass to them on a silver platter. And I say to you that the people who will pick up this platter and assume the so called new positions where we are going to have more salary so that it attracts these attorneys—I say to you that these men will not make our best probate judges.

Now, we must remember that as things stand now, the salaries being what they are now, in all of these various counties the attorneys have not chosen to run for probate judge or, if they have, the people have decided that a layman better fulfilled the responsibilities of the court. If you think I am just talking fiction about the low population of attorneys in some of these counties, a couple of weeks ago the prosecutor of Ogemaw county died suddenly of a heart attack. There were 4 attorneys in Ogemaw county and they couldn't find a prosecutor among the 4 attorneys. Finally, they had one of the practicing attorneys agree to assume the responsibilities of the

office, and he did this with the understanding that another attorney in the county would act as his assistant, and I was called and asked if I could help them shop around for an attorney. They didn't want someone who would come up and stay for a while and then leave. They wanted a good man who would be interested in fulfilling the responsibilities of the chief law enforcement officer of the county. Now they have a lay judge there. Should this lay judge decide not to run or become ill or choose to retire, they will find themselves in the same position. And this is the same situation we're going to run into in all of the counties where they have a low population of attorneys.

Now, don't think that laymen serve only in counties where there are ½ dozen or 4 or 3 or 2 attorneys. For some reason, the people of this state in some of our larger counties have chosen to elect and reelect laymen. I point to Midland county that has 44 attorneys, St. Clair county that has 68 attorneys, Lenawee county that has 40, and Monroe that has 39. Now, there must be some reason for this. I have heard no particular complaint. The only way I would find complaint is probably if the press would pick up some bad operation of these courts. But I understand, from the information that I have received, that these courts are administered very ably.

So I say to you that there is a real problem here and I feel that we would be doing an injustice to these counties that have a low attorney population by requiring that all judges of probate be attorneys. The crux of the argument is you would be freezing in undeserving laymen or be freezing in scalawag attorneys or you would require the people of these counties to go out shopping for a man to serve as their probate judge; and if they can't catch him by bait of more money, they might go to the law schools and get a young graduate. And I submit to you that an inexperienced young law school graduate might be very qualified but an experienced layman accepted by the people might better fulfill the serious and important responsibilities of the probate courts in our state.

PRESIDENT NISBET: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President, I don't want to prolong this debate. There are now 10 amendments. We debated it fully in committee of the whole. We decisively defeated it. We've endeavored to make the probate court a court of record. We have endeavored to upgrade it, to give it some stature. This is a minimum requirement. We provide for the incumbent. I urge the defeat of this amendment. I urge that on these amendments that we have already considered in committee of the whole and previously defeated, let's defeat them again and get on with our work.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Radka —

MR. RADKA: Mr. President, I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. Those in favor of the Radka amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 46

Andrus, Miss	Leibrand	Sablich
Anspach	Leppien	Shackleton
Baginski	Madar	Shaffer
Batchelor	Marshall	Shanahan
Beaman	McAllister	Sharpe
Bonisteel	Nisbet	Sleder
Boothby	Perlich	Snyder
Butler, Mrs.	Perras	Stamm
Dell	Plank	Stopczynski
Doty, Donald	Powell	Thomson
Finch	Pugsley	Turner
Gover	Radka	Walker
Haskill	Richards, J. B.	Wilkowski
Howes	Richards, L. W.	Wood
Hoxie	Rush	Young
Kirk, S.		

Nays — 75

Austin	Follo	Martin
Balcer	Ford	McCauley

Barthwell	Gadola	McGowan, Miss
Bentley	Garvin	McLogan
Binkowski	Goebel	Millard
Blandford	Gust	Mosier
Bledsoe	Habermehl	Ostrow
Bradley	Hanna, W. F.	Page
Brake	Hart, Miss	Pollock
Brown, G. E.	Hatch	Prettie
Brown, T. S.	Heideman	Rajkovich
Buback	Higgs	Romney
Conklin, Mrs.	Hodges	Rood
Cushman, Mrs.	Hubbs	Seyferth
Danhof	Iverson	Spitler
Donnelly, Miss	Judd, Mrs.	Stafseth
Downs	Karn	Staiger
Durst	King	Sterrett
Elliott, A. G.	Knirk, B.	Stevens
Elliott, Mrs. Daisy	Koeze, Mrs.	Tweedie
Erickson	Krolkowski	Upton
Everett	Kuhn	Van Dusen
Farnsworth	Lawrence	Wanger
Faxon	Lesinski	White
Figy	Mahinske	Woolfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Radka and others, the yeas are 46; the nays are 75.

PRESIDENT NISBET: The amendment is not adopted. Will the delegates clear the board. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Garvin, Ford, Barthwell, Ostrow, Downs and Hodges offer the following amendment:

1. Amend page 1, line 20, [section d] after "filled" by striking out the balance of the section and inserting "by appointment by the governor until a general or special election according to law. The appointee shall perform the judicial duties until the successor is elected and qualified to fill the unexpired term."

PRESIDENT NISBET: The question is on the amendment offered by Mr. Garvin. Mr. Garvin.

MR. GARVIN: Mr. President and delegates, this Committee Proposal 96, section d, will —

PRESIDENT NISBET: May we have order, please.

MR. GARVIN: — place the court in a situation where they cannot locate a retired judge, although there are a considerable number — around 30 — at an average age of around 75, I believe. It would place the court in a position where the docket would be more filled than it is. And if the court administrator should move one judge to another section, that would not help the matter because the court docket in that circuit would be raised also.

Now, the judicial reputation of Michigan has been on top compared to that of the other states, and it has operated very efficiently on the present method set up in the constitution. It might be noted that the constitution does not provide for a judge running with the incumbency designation. That is legislative; that is what the legislature has provided. And by the same token, they can change that. What we have been doing here is rewriting a judicial article to improve the courts, apparently, but still without consideration that the judiciary of the state of Michigan is one of the top ones in the United States. It is interesting that this body finds matters to change in each section of the judiciary, and I submit that this is one of the most unfortunate changes that has been offered.

But let us take, for example, in the '30s — the way we have it now, everybody runs; each qualified attorney runs for circuit judge. Let us take in the '30s and I can tell you truly what it means. It certainly means a popularity contest, and it reminds me of the statement that was just made by Mr. Radka. Whatever a scalawag attorney might be, that so called attorney can get elected judge as well as anybody else. The popularity of an attorney can cause him to be elected judge without any practice whatsoever.

The way it has been up to now, by the legislature, is that the governor makes the appointment. That is by constitution. But about the judge running after that is another matter. I submit to you that we have been talking about bedsheets bal-

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. a¹. 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
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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
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7. Board of Canvassers	58h
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Article II Elections

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

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

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

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

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Article III General Government

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

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

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

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

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

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

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

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

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

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

ARTICLE IV LEGISLATIVE BRANCH

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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
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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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2. Counties; charter	89a
3. Townships in county	81b
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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
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2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
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9. Public libraries, support of	31a

Article VIII Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[,] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

The 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	Leibbrand	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	Woelfenden
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 subdivison" which would cover school districts, charter or other authorities, town-

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

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

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

35 Sec. 31. The legislature shall not vacate or
36 alter any road, street, alley, or public place under
37 the jurisdiction of any county, township, city or
38 village.

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

1 Sec. 1. Religion, morality and knowledge being
2 necessary to good government and the happiness
3 of mankind, schools and the means of education
4 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 applica-
52 ble 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
61 amendment, expressed in not more than 100 words,
62 exclusive of caption. Such statement of purpose
63 and caption shall be prepared by the person au-
64 thorized by law, and shall consist of a true and
65 impartial statement of the purpose of the amend-
66 ment in such language as shall create no prejudice
67 for or against the proposed amendment.

68 If the proposed amendment is approved by a
69 majority of the electors voting on the question,
70 it shall become part of the constitution, and
71 shall abrogate or amend existing provisions of
72 the constitution at the end of 45 days after
73 the date of the election at which it was ap-
74 proved. If two or more amendments approved by
75 the electors at the same election conflict, that
76 amendment receiving the highest affirmative vote
77 shall prevail.

78 Sec. 3. At the general election to be held in
79 the year 1978, and in each 16th year thereafter
80 and at such times as may be provided by law, the
81 question of a general revision of the constitution
82 shall be submitted to the electors of the state. If
83 a majority of the electors voting on the question
84 decide in favor of a convention for such purpose,
85 at an election to be held not later than six months
86 after the proposal was certified as approved, the
87 electors of each representative district as then
88 organized shall elect one delegate and the elec-
89 tors of each senatorial district as then organized
90 shall elect one delegate at a partisan election.
91 The delegates so elected shall convene at the seat
92 of government on the first Tuesday in October
93 next succeeding such election or at an earlier date
94 if provided by law.

95 The convention shall choose its own officers,
96 determine the rules of its proceedings and judge
97 the qualifications, elections and returns of its mem-
98 bers. The governor shall appoint a qualified
99 resident of the same district to fill a vacancy
100 in the office of any delegate who shall be a mem-
101 ber of the same party as the delegate vacating
102 the office. The convention shall have power to ap-
103 point such officers, employees and assistants as
104 it deems necessary and to fix their compensation;
105 to provide for the printing and distribution of its
106 documents, journals and proceedings; to explain
107 and disseminate information about the proposed
108 constitution and to complete the business of the
109 convention in an orderly manner. Each delegate
110 shall receive for his services compensation pro-
111 vided by law.

112 No proposed constitution or amendment adopted
113 by such convention shall be submitted to the
114 electors for approval as hereinafter provided un-
115 less by the assent of a majority of all the delegates
116 elected to and serving in the convention, with the
117 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.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolkowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

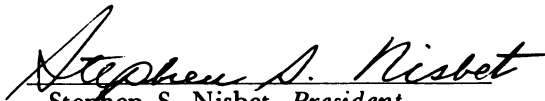
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

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*

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.

This is a revision of Sec. 17, Article VII, of the present constitution. It includes among courts of record the new court of appeals and any lower courts so designated by the legislature. The section also provides that all judges of such courts must be lawyers. In the case of probate judges, an exception is made in Sec. 7 of the Schedule and Temporary Provisions of this document which permits non-lawyers holding such offices to be candidates for re-election.

Judge; removal of domicile.

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.

This is a revision of Sec. 19, Article VII, of the present constitution clarifying the previous language. The word "territory" has been substituted for "jurisdiction", inasmuch as the section refers to physical moving.

Judges; ineligibility for other 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.

This is a revision of the concluding sentence of Sec. 9, Article VII, of the present constitution and extends its provisions to all judges of courts of record. Such judges are prohibited from holding other than a judicial office for their term and an additional year. This continues the principle of divorcing the judiciary from the political arena.

Candidacy of incumbents; affidavit.

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.

This is a new section permitting elected judges of the court of appeals, circuit and probate courts to become candidates in the primary election for the offices of which they are incumbents by filing an affidavit of candidacy. It eliminates the necessity for incumbent judges to file nominating petitions.

Vacancy; courts of record.

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.

This section is a revision of Sec. 20, Article VII, of the present constitution. It provides that vacancies in the office of an elected judge of any court of record shall be filled by a general or special election. This is a significant change and removes from the governor the power to appoint judges to fill vacancies.

The change is made in order to maintain consistency in the idea that this state should have an elected judiciary. The present system of appointment by the governor to fill vacancies, bestowing on the appointee the incumbency designation, has had an overwhelming tendency to insure the election of the appointee. This has created in effect an appointive judiciary.

The section also provides that the supreme court may fill judicial vacancies temporarily by utilizing the services of judges who have retired. These temporary appointees will not be eligible for election to fill the vacancy.

Judges; ballot designation.

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.

This is a revision of the last paragraph of Sec. 23, Article VII, of the present constitution. The word "elected" has been inserted in front of "incumbent". Hence it provides that only judges who have been elected are eligible for the incumbency designation.

Removal.

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.

No change from Sec. 6, Article IX, of the present constitution except for improvement in phraseology.

Certain offices abolished.

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.