

Michigan Constitutional Convention of 1961

Committee Proposal 91c

Const 1963, Art 6, § 4

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3451, 3466
First Reading	pp. 757, 1256-1259, 1270-1287, 1617-1620, 2191
Second Reading	pp. 2722-2723, 2736-2737
Draft Constitution (Art 6, § 4)	pp. 3047-3075 (p. 3060)
Third Reading, Article-by-Article	pp. 3138-3140
Draft Constitution (Art 6, § 4)	pp. 3215-3237 (p. 3225)
Third Reading, Full Constitution	pp. 3292, 3300-3301
Adopted Constitution (Art 6, § 4)	pp. 3319-3353 (p. 3335)
Address to the People	p. 3385

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

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

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

* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a 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	8	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	9,10	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	13	34	V	28	none		71h	VIII	5	XI	3,4,5, 7,8,16	98b
IV	15	V	14	102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

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

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

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Alvin M. Bentley, chairman.

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

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

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

Alvin M. Bentley, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

T. Jefferson Hoxie, chairman.

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

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

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

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

MR. EVERETT: I pass.

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

SECRETARY CHASE: Mr. Habermehl's amendment:

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

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

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

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

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

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

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

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

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

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

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

Sec. d. THE SUPREME COURT SHALL BY GENERAL RULES ESTABLISH, MODIFY, AMEND AND SIMPLIFY THE PRACTICE AND PROCEDURE IN ALL COURTS IN THE STATE. THE DISTINCTIONS BETWEEN LAW AND EQUITY PROCEEDING SHALL, AS FAR AS PRACTICABLE, BE ABOLISHED. THE OFFICE OF MASTER IN CHANCERY IS PROHIBITED.

Sec. e. DECISIONS OF THE SUPREME COURT, INCLUDING ALL DECISIONS ON PREROGATIVE WRITS, SHALL BE IN WRITING AND SHALL CONTAIN A CONCISE STATEMENT OF THE FACTS AND REASONS FOR EACH DECISION. WHEN A JUDGE

DISSENTS IN WHOLE OR IN PART HE SHALL GIVE IN WRITING THE REASONS FOR HIS DISSENT.

Sec. f. THE SUPREME COURT MAY APPOINT AND REMOVE ITS STAFF AND SHALL HAVE GENERAL SUPERVISION OF THE STAFF OF THE COURT AND CONTROL OF THE EXPENDITURE OF THE FUNDS APPROPRIATED FOR ANY PURPOSE PERTAINING TO THE OPERATION OF THE COURT OR THE PERFORMANCE OF ACTIVITIES OF ITS STAFF, EXCEPT THAT THE SALARIES OF THE JUSTICES OF THE SUPREME COURT SHALL BE ESTABLISHED BY LAW. ALL FEES, PERQUISITES AND INCOME COLLECTED BY THE CLERK SHALL BE TURNED OVER BY HIM TO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND. NO JUSTICE OF THE SUPREME COURT SHALL EXERCISE ANY OTHER POWER OF APPOINTMENT TO PUBLIC OFFICE, EXCEPT AS OTHERWISE PROVIDED HEREIN.

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

JUDICIAL DISTRICT 1, COMPRISING WAYNE COUNTY.

JUDICIAL DISTRICT 2, COMPRISING OAKLAND COUNTY.

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

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

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

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

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

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

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

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

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

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

THE TERM FOR WHICH THEY SHALL HAVE HERETOFORE BEEN ELECTED OR APPOINTED.

ANY JUSTICE HOLDING OFFICE ON THE DATE THIS CONSTITUTION SHALL BECOME EFFECTIVE, WHO IS NOT OTHERWISE DISQUALIFIED FOR REELECTION, MAY BE A CANDIDATE FOR REELECTION IN ANY DISTRICT WITHOUT REGARD TO HIS PLACE OF RESIDENCE.

ALL CANDIDATES FOR ELECTION AS JUSTICE OF THE SUPREME COURT WHO ARE NOT HOLDING OFFICE ON THE DATE THIS CONSTITUTION SHALL BECOME EFFECTIVE, SHALL BE RESIDENTS OF THE JUDICIAL DISTRICT FROM WHICH THEY ARE CANDIDATES.

TRANSITION FROM THE PRESENT ESTABLISHED LAW FOR THE ELECTION OF JUSTICES OF THE SUPREME COURT TO THE METHOD HEREIN PROVIDED SHALL BE PROVIDED BY LAW, INCLUDING THE ORDER OF ROTATION IN WHICH ELECTIONS SHALL BE MADE FROM EACH OF THE FOREGOING JUDICIAL DISTRICTS.

Mr. Danhof, chairman of the committee on judicial branch, submits the following reasons in support of Committee Proposal 91:

Sec. a. This section supplants section a, article VII of the Constitution of 1908 increasing the total number of justices to 9. It eliminates a former provision concerning the chief justice, "to be chosen by the electors of the state" and, in the last section, provides for the election of the chief justice by the members of the court. This section continues the present statutory 8 year term of office. By reason of the increase in total membership of the court, the last sentence provides for not more than 3 terms of office to expire at the same time—thus replacing the present provision that "Not more than 2 justices shall go out of office at the same time."

Sec. b. This is a new section. The first sentence clearly provides for the selection of the chief justice by the members of the court. This has been the practice of the court for several decades, although section 2 of article VII of the Constitution of 1908 would appear to require that the chief justice "be chosen by the electors of the state."

The committee is of the opinion that the members of the court are better qualified than the electors to make the selection of their own chief justice. This provision will give constitutional sanction to the existing practice.

The second sentence clearly provides a method for establishing the duties of the chief justice.

The third and fourth sentences implement the language appearing in section 4 with reference to the power of "superintending control" over all courts of lesser jurisdiction. This language will give constitutional sanction to the existing office of the court administrator, and will clearly spell out the source of his authority.

Sec. c. This section is a revision of section 4 of article VII of the Constitution of 1908. It substitutes the general term, "prerogative and remedial writs" for the list of historic writs contained in the 1908 constitution. The change accomplished by the final language permits the court to control its appellate jurisdiction by rule. It is the opinion of the committee that the language proposed will shorten and clarify this section.

Sec. d. This section is a revision of section 5 of article VII of the Constitution of 1908. In addition to existing powers of the court, power is conferred to simplify both practice and procedure. The second sentence gives constitutional sanction to the judiciary act of 1960, by which distinctions between law and equity have been abolished. The last sentence continues the language of the 1908 constitution without change so that the office of master in chancery is prohibited.

Sec. e. This section is a revision of section 7 of article VII of the Constitution of 1908. The reference to "pre-

rogative writs" replaces the list of historic writs contained in the present constitution. The proposed section continues the requirement of written opinions with a statement of facts and reasons for each decision. The final sentence requires a statement of reasons for all dissents whether in whole or in part. The eliminated language of the 1908 constitution requiring signature of opinions and filing of the same is, in the opinion of the committee, unnecessary. This practice is well established and it appears unnecessary to encumber the constitution with this requirement.

Sec. f. This is a new section, replacing and simplifying section 6. It extends the appointive power of the supreme court and its supervising control to its entire staff, instead of limiting it to the officers named in section 6 of article VII of the Constitution of 1908.

It continues the existing requirement that all receipts of the court shall be credited to the general fund. It also continues the prohibition against appointments by the supreme court to public office, excepting for the appointment of the staff of that court and other appointments of retired members of the judiciary to fill vacancies in the courts of the state by appointment of retired members of the judiciary. The details of such appointment which will continue only until such vacancies are filled by election, are covered in other sections of this committee's proposals.

Other proposals of this committee, which will be separately dealt with, permit the supreme court to authorize persons who have served as judges and who have voluntarily retired, to perform judicial duties for a limited period of time until a vacancy in judicial office is filled by election. The final language of this proposal is for the purpose of permitting the supreme court to make such interim appointments, and in the opinion of the committee, is necessary to correlate these 2 sections.

Sec. g. The committee on judicial branch has had under consideration since November 7, 1961, Delegate Proposal 1218. This was revised and again submitted on December 1, 1961, as Delegate Proposal 1488. The committee has heard the testimony from scores of witnesses bearing upon the method to be used in nomination and election of the justices of the supreme court. It has been faced with a choice between:

1. Some appointive method providing either for appointment of justices of the supreme court by the governor:

(a) With the advice and consent of the senate; or

(b) From a list of qualified appointees submitted in accordance with the so called "Missouri plan", or "ABA plan".

2. The continuance of the present provisions of section 23, as implemented by statute, which results in partisan nomination of justices of the supreme court followed by "nonpartisan" statewide election.

3. A constitutional change or direction to the legislature to provide for a statewide nonpartisan primary followed by a statewide nonpartisan election or, in the alternative, a statewide partisan primary followed by a statewide partisan election.

4. A plan for election of justices of the supreme court from areas within the state so arranged as to be as nearly as possible equal in population and availability of qualified candidates.

On January 16, 1962, the committee first considered the general subject of appointment as a general principle, with a vote of 18 opposing, one in favor and 2 absent.

On the same date, the committee took a tentative vote on the Missouri and ABA plans with the result that 15 opposed this principle; 3 were in favor of it and 3 were absent.

This was followed by a tentative vote on the principle of continuing some elective system. This vote resulted in 10 in favor, 8 opposed and 3 absent.

Following these tentative votes, additional work continued by members of the committee toward further refinement and perfection of the plan for district nonpartisan nomination and election of justices of the supreme court.

This work was completed and a revised proposal was submitted on January 25, 1962.

This revised plan established 7 judicial districts and provided for the nonpartisan nomination and election of 3 members of a 9 man court from judicial district 1, comprising the county of Wayne and containing 1/3 of the state's population; one justice from Oakland county, containing slightly less than 1/9 of the state's population but having a growth potential; and one justice each from each district as follows:

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

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

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

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

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

The relative population of the districts so established would then be as follows:

Judicial district number	Number of counties	Number of justices	Population per justice
1	1	3	888,766
2	1	1	690,259
3	6	1	817,341
4	7	1	855,308
5	10	1	999,019
6	10	1	904,908
7	48	1	890,062

A study was also made of the distribution of lawyers in the state within each judicial district. This indicated that aside from public officers, house counsel and law school professors, the lawyer population including judiciary and inactive members of the bar in the proposed districts would be approximately as follows:

Judicial districts	Lawyer population
1	4,215
2	566
3	545
4	520
5	767
6	581
7	516

This tabulation illustrates the fairly constant proportion of lawyers to population in each of the proposed judicial districts.

Arguments presented before the committee in support of the district election plan included the following:

1. Candidates would be better known to voters of districts in which they were candidates.

2. The compact and contiguous areas comprising the districts (except possibly district 7) would make it possible for candidates to meet and know the voters which they cannot do when elected on a statewide basis.

3. The division of the state is on a population basis as nearly as possible equal.

4. Balance would be maintained in the type of men sitting on the court between all parts of the state, thus assuring a statewide approach to cases before the court. While such balance is now maintained in part by the present nominating process in which recognition is given to residence of the candidate, among other factors, there is

no assurance or legal requirement that this will always obtain.

5. It is consistent with the overwhelming sentiment for a nonpartisan judiciary.

6. It would eliminate the present inconsistency of partisan nomination followed by "nonpartisan" election.

7. It would remove the inordinate expense to be borne by each candidate of having to campaign statewide for nomination (absent nomination at party convention) followed by a second statewide campaign at the individual expense of the candidate presumably without any party backing.

8. Elimination of items mentioned in paragraphs 6 and 7 could be expected to attract as candidates men of the highest ability, regardless of party affiliation or financial status.

9. The assured geographic distribution of justices would make it possible for every lawyer in the state to strive for such excellence that his fellow lawyers and the public might think him worthy to serve on this high court even though he should not become famous as a great trial lawyer.

10. This plan could be equally applicable to the election of judges of the court of appeals and with the same advantages.

11. The districts could be integrated into a court of appeals structure, with

One court of appeals serving district 1;

One court of appeals serving districts 2, 3, 4;

One court of appeals serving districts 5, 6, 7;

and possibly sitting in divisions at:

(a) Grand Rapids;

(b) Some place in the northern portion of the lower peninsula;

(c) Some place in the upper peninsula.

12. The districts are drawn in correspondence to presently existing circuit court boundaries. Thus all cases from any given circuit would be appealed to the same court of appeals.

13. While this plan would be new in Michigan, it is not unique. Some states already have it, notably Illinois, and they thought so highly of it that they retained it in their very recent overhaul of their court system.

14. Such a structure would provide an appellate court located at no great distance from any place in the state and should result in a reduction in both time and expense for those using these courts. Thus the best interest of the public would be served.

The majority of the committee rejected the argument that the district plan would lead to "balkanization of the state and to parochialization of the state's judicial process". It was pointed out by members of the committee who had served as circuit judges in many parts of the state that justice was administered with an even hand regardless of where an individual judge might reside or the location of the court in which he might preside.

It was further pointed out that over the years the justices of the supreme court have been called to that bench from many parts of the state but that once elected they performed their duties with a view to the law in the state as a whole. There was no evidence that the district plan would in any wise change the statewide view of those elected to the supreme court.

Certain members of the committee continued to advocate some appointive system modeled on the Missouri or ABA plan. Others favored continuance of the present partisan nomination followed by nonpartisan election. Still others suggested a return to complete statewide partisan nomination and election. This division in the committee continued until January 31, 1962, at which time the committee voted in favor of the plan as submitted and revised, with 11 votes in favor, 5 opposed and 5 absent or abstaining.

The committee proposal, therefore, contemplates non-partisan primary and election on a district basis as therein set forth.

It further provides flexibility in permitting transfer of counties from one judicial district to another following each decennial census, so that no single judicial district would have a population of less than $\frac{1}{4}$ or more than $\frac{1}{2}$ of the population of judicial district 1, (Wayne county). Such transfer, however, shall not result in removal of a justice, nor shall it disqualify him for reelection.

The proposal makes existing election laws applicable to all primaries and elections for justices of the supreme court. It continues in office incumbent justices without regard to place of residence and permits their reelection. It empowers the legislature to provide for transition from present methods of election to the method provided in the proposal.

Following is minority report A to Committee Proposal 91 as offered (no reasons were submitted in support thereof):

Miss Donnelly, Messrs. Leibrand and McAllister, a minority of the committee on judicial branch, submit the following minority report to Committee Proposal 91:

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

Sec. b. ONE JUSTICE OF THE SUPREME COURT SHALL BE SELECTED BY THE COURT AS ITS CHIEF JUSTICE IN THE MANNER AND FOR THE TERM PROVIDED BY THE RULES OF THE COURT.

Sec. c. THE SUPREME COURT SHALL HAVE: A GENERAL SUPERINTENDING CONTROL OVER THE DOCKETS OF THE APPELLATE COURT AND CIRCUIT COURTS; POWER TO ISSUE, HEAR, AND DETERMINE PREROGATIVE AND REMEDIAL WRITS; APPELLATE JURISDICTION AS PROVIDED BY SUPREME COURT RULE, IT BEING PROVIDED THAT THE SUPREME COURT SHALL NOT HAVE THE POWER TO REMOVE OR SUSPEND A JUDGE.

Sec. d. THE SUPREME COURT SHALL BY GENERAL RULES ESTABLISH, MODIFY, AMEND AND SIMPLIFY THE PRACTICE AND PROCEDURE IN ALL COURTS IN THE STATE, IT BEING PROVIDED THAT WHERE THERE IS A CONFLICT BETWEEN SUPREME COURT RULE AND A STATUTE CONCERNING EVIDENCE OR SUBSTANTIVE LAW THE STATUTE SHALL PREVAIL. THE DISTINCTIONS BETWEEN LAW AND EQUITY PROCEEDING SHALL, AS FAR AS PRACTICABLE, BE ABOLISHED. THE OFFICE OF MASTER IN CHANCERY IS PROHIBITED.

Sec. e. DECISIONS OF THE SUPREME COURT, INCLUDING ALL DECISIONS ON PREROGATIVE WRITS, SHALL BE IN WRITING AND SHALL CONTAIN A CONCISE STATEMENT OF THE FACTS AND REASONS FOR EACH DECISION AND DENIAL OF LEAVE FOR APPEAL. WHEN A JUDGE DISSENTS IN WHOLE OR IN PART HE SHALL GIVE IN WRITING THE REASONS FOR HIS DISSENT.

Following is minority report B to Committee Proposal 91 as offered and the reasons submitted in support thereof:

Messrs. Ford, Garvin, Bledsoe, Miss McGowan, Messrs. Ostrow, Barthwell and Krolkowski, a minority of the Committee on judicial branch, submit the following minority report to Committee Proposal 91:

A minority of the committee recommends that the following be excluded from the constitution:

Section g, beginning on line 25, page 2.

Messrs. Ford, Garvin, Bledsoe, Miss McGowan, Messrs. Ostrow, Barthwell and Krolkowski, a minority of the committee on judicial branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 91:

The purpose of the minority report is to eliminate all of section g, which contains the plan for "balkanizing" the

supreme court by establishing districts for the election of judges to replace the present system of election on an at large basis. It is the belief of the proponents of this minority report that the present system wherein the election of supreme court justices is on a statewide nonpartisan basis, has worked very well in our state.

The legislature has provided a system of nomination and election under the 1908 constitution which has worked very well in the state of Michigan. By removing the language contained in section g, the legislature would have the power to revise the present procedure to meet changing needs of the state and devise the best possible system: Provided however, That election of supreme court judges would be on a statewide, nonpartisan basis.

The state bar committee on court administration, consisting of 42 members headed by Judge Noel P. Fox, recommended in 1961 in its report to the state bar that "the present system of nominating and electing supreme court justices be retained, the same provisions to apply to judges of an intermediate court of appeals, if the latter court be established by the constitution".

The district plan for election of supreme court justices would result in disenfranchising a majority of the electors in the state from voting for all of the judges exercising statewide power and jurisdiction. It is difficult to conceive of any principle which would limit a supreme court justice's opinions and point of view to a particular district of the state rather than to the state as a whole. The district plan would strongly tend to inject sectionalism into the opinions and decisions of the court.

In conclusion, the proponents of this minority report believe, after listening to testimony by representatives of the bench and bar throughout the state and at all levels, as well as representatives from the bar associations of other states, that our present system for selection of supreme court justices is far superior to any alternative plan presented before our committee.

[Section a was read by the secretary. For text, see above, page 1256.]

CHAIRMAN VAN DUSEN: The Chair would inquire of the chairman of the committee: is it your desire that we take this proposal up section by section?

MR. DANHOF: It is, sir.

CHAIRMAN VAN DUSEN: The Chair recognizes the chairman of the committee, Mr. Danhof, with respect to section a of Committee Proposal 91.

MR. DANHOF: Mr. Chairman, members of the committee, section a sets up a supreme court of 9 justices, one more than we have now. It provides that they shall be elected by the electors of the state, the term to be 8 years and not more than 3 terms shall expire at the same time.

I should like to point out that section a is tied inexorably to section g of Committee Proposal 91, section g being the majority report of the committee concerning the selection of the supreme court.

The majority report is that the justices shall be elected from various districts as are set forth in section g. I would point out to the committee that it will be necessarily determined that if section g is adopted by the majority of this committee, then section a should go with it in order that there be a logical number to fit the various districts that have been proposed by the majority of the committee.

I would, therefore, recommend and move that at this time the provision and the matter relating to section a be passed until we get to section g and have determined the method and the selection and that we then return, after consideration of section g, to the provisions of section a and I so move.

CHAIRMAN VAN DUSEN: The question is on the motion of Mr. Danhof that further consideration of section a be postponed until following consideration of section g of the proposal. Mr. Ford.

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

one, except the names of the writs. Now, those who are not lawyers might wonder at the names of some of those writs. They're old Latin names. They are still in use in some areas and they are still in use in Michigan. But if we are going to modernize our practice, we feel that we ought to just call them general administrative or remedial writs and leave out the names. We may have some different names for them in the next 50 years. There ought not to be any controversy over this section if you agree that the 1908 provisions were satisfactory.

CHAIRMAN VAN DUSEN: Mr. Danhof, have you further explanation?

MR. DANHOF: About what?

CHAIRMAN VAN DUSEN: Are there questions with respect to this section?

MR. DANHOF: I would further yield at this time perhaps to the gentleman from Detroit, Mr. Cudlip, if he has some words on this particular section.

CHAIRMAN VAN DUSEN: The Chair will recognize Mr. Cudlip.

MR. CUDLIP: Mr. Chairman and members, just to supplement briefly what my committee member, Mr. Tubbs, has said, I am sure that we all want to understand what we are putting in this constitution. This is a very desirable addition and succinct and it saves words again.

But I went down to the library to see what some of these words meant. So with your indulgence for a few minutes, we are striking them and including the words "prerogative writs" as the tools of this court. The "writ of error" simply relates to a writ involving review; you've heard a lot about "habeas corpus", you may have the body; "mandamus", a writ when the court is asked to order somebody to perform a ministerial act; "quo warrant", a writ by what warrant. Some corporations, for example, exceed authority and the procedure would be, by what warrant do you do that? "Procedendo", that's the one that really called me to the library. That is a writ used by the court when a lower court sends something to it on appeal or gets to the supreme court from an inferior court on appeal, the high court thinks it shouldn't be there, wants to send it back, so it uses a writ of procedendo—proceed again, proceed anew. It's a good section; it's a good change.

CHAIRMAN VAN DUSEN: There is a minority report filed by Miss Donnelly, Messrs. Leibrand and McAllister, pursuant to which they have offered an amendment. Does one of the movers of the amendment wish to be recognized?

The Chair recognizes Judge Leibrand, one of the movers of the amendment. The Chair would suggest that we have the secretary read the amendment first and then you proceed.

SECRETARY CHASE: The minority amendment is as follows:

1. Amend page 2, line 3, at the end of section c by changing the period to a comma, and inserting "it being provided that the supreme court shall not have the power to remove or suspend a judge."

CHAIRMAN VAN DUSEN: The question is on the minority report amendment offered by Miss Donnelly, Messrs. Leibrand and McAllister. The Chair will recognize Judge Leibrand.

MR. LEIBRAND: I will first, with the indulgence of the committee, Mr. Chairman, read the reasons for the minority report on section c, particularly so because the first paragraph of these reasons is in error.

Section c. The only change made by the Donnelly-Leibrand-McAllister minority report on section c is the addition of the phrase, "it being provided that the supreme court shall not have the power to remove or suspend a judge."

That is not correct; there is another phrase inserted. Starting at the very first of the minority report and reading therefrom:

"The supreme court shall have: a general superintending control over the dockets of the appellate court and circuit courts;" limiting to dockets. The majority report doesn't have the docket limitation but gives the superintending control over courts, rather than dockets. Now, with reference to this matter we desire to add a provision, "it

being provided that the supreme court shall not have the power to remove or suspend a judge".

In suggesting the addition of this, we do not feel that we are tilting at windmills. There is, we assure you, a definite movement in this convention to empower the supreme court to remove elected judges from office on its own motion. We believe this is an unnecessary delegation of power. We also believe it is dangerous delegation of power.

The supreme court has ample power, under the framework of its own rules, to enforce its general superintending control over the lower courts. If a lower court refuses to abide by the lawful judgments, decrees and rules of the supreme court, the supreme court may use writs of mandamus and prohibition. To enforce these writs the supreme court may commit an offending judge to jail for contempt until the judge does comply.

If the judge of the lower court grossly violates his oath of office, the supreme court may report the situation to the governor, who, with the concurrence of 2/3 of the legislature, may declare the judicial office vacant. In addition, impeachment lies under the provisions of article IX of the present constitution, the substance of which, we understand, will be carried over into the new constitution. That article amply protects the public, during the time impeachment is pending, by providing that no judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

Any other public official removed in Michigan for wrongdoing by the governor or the legislature—

and they are the sole bodies now permitted to impeach or remove officials

—has an appeal to and the protection of the supreme court. Designating the supreme court as the removing body deprives judges of that protection. The supreme court becomes judge, jury and prosecutor. There appears to be no reason for this discriminatory action. The adoption of the minority report will assure that such discrimination against judges shall not occur.

Now, I have said that we do not feel that we are tilting at windmills. The majority of this convention is or are—whatever the case may be—not lawyers. We know, and you have heard here that the supreme court by the Constitution of 1908 was granted broad rulemaking and disciplinary powers. They have exercised these powers from time to time, and back on June 5, 1959 the Supreme Court of the state of Michigan adopted a set of rules concerning their procedures in the exercise of disciplinary powers against local judicial officials. I will read to you the following. The heading on this sheet I hold is, "On Friday, January 5, 1959, the attached rules 1, 2, 3, 4, 5, 6, 7, 8 and 9, concerning superintendence of the judiciary of Michigan, were adopted by the affirmative vote of a majority of the justices." This is the first time that we have had from the supreme court a set of codified rules on this subject.

Now right here I am reminded of a little story about a plaintiff and a defendant and their attorneys who were trying a case before a justice of the peace, and after the testimony was over, the justice asked for arguments or any applicable law. The attorney for the plaintiff got out, I think it was 33 Michigan, a volume published about 1850, and brought forth a case that seemed to be right on the point to sustain a verdict for the plaintiff. The attorney for the defendant brought out a Michigan advance sheet dated about 30 days earlier. For you who are not lawyers, advance sheets are bindings of supreme court opinions immediately after they are published and come in a magazine form with a paper cover, while the permanent volumes are regular bound books. And so the justice duly and gravely considered the law produced by the attorney for the plaintiff from the old bound volume and the law produced by the defendant's attorney in the new advance sheet, and promptly, as befits a proper justice of the peace, gave verdict for the plaintiff. Someone asked the justice afterwards how he happened to arrive at such a conclusion in the face of

the applicable law. And the judge said, "That's easy." He said, "The attorney for the plaintiff got his law from a book while the attorney for the defendant got his law from an almanac." (laughter)

Now, I might say that these rules that I am going to read to you in brief, in short part—not completely—are actually found in a book, if you want to consult it, volume 356, Michigan, right at the opening of the volume, the rules as promulgated by the supreme court as to the discipline of the judiciary. And as I say, I will not read them in full; I will read excerpts here and there. You can consult the bound book if you want to. Rule 1 opens by saying, "These rules"—and my purpose for this is to indicate to you how the supreme court itself interprets its disciplinary powers—

These rules are adopted pursuant to powers of the supreme court over the judiciary of this state, and also to enable the circuit courts to exercise their powers of supervisory control of all inferior courts and tribunals, subject to superintendence and review by the supreme court.

The next section I have marked:

No investigation or proceedings under these rules shall be held invalid by reason of any nonprejudicial irregularity, nor for any error not resulting in a substantial miscarriage of justice.

Three:

The enumeration of or reference to particular powers in these rules shall not be construed to exclude or limit others possessed by the supreme court.

In other words, the supreme court obviously takes the position that it can even go further with its disciplinary proceedings than provided by this rule.

The enumeration of or reference to particular duties or standards of conduct herein shall not be construed to exclude or limit any other duties or standards of conduct to which any judicial officer and any inferior court or tribunal is subject.

Five, and here comes the prosecuting attorney aspect of this thing:

The chief justice of the supreme court may, with or without a request, cause an investigation to be made by the court administrator of the affairs of any court or tribunal in the judicial department of this state, or the personal practices of any judicial officer thereof.

"... or the personal practices of any judicial officer thereof." That's an important phrase.

And then they go on to say that on the other hand, the court may request an investigation by the court administrator and the chief justice may authorize a petition in the matter of the accused judicial officer. Now here is a definition of misconduct:

Misconduct to be dealt with under these rules includes misconduct in office, misfeasance, malfeasance, neglect of duty, personal practices contrary to any of the canons of judicial ethics that have been or may from time to time hereafter be adopted by the supreme court, and any other practices that are likely to expose any court or tribunal in this state, or any judicial officer thereof, to public censure or reproach, or that are in any manner prejudicial to the proper administration of justice.

I submit to you, fellow delegates, that that definition is wide enough to penalize a judge for telling an off color story at a meeting of the Elks.

Rule 4 provides for the transfer of jurisdiction for the actual trial of the judicial officer, or hearing, to the county where the officer of the court is located.

Here is rule 7—remember you are trying a judicial officer—

All proceedings under these rules, including the trial of the issues of fact and law, shall be conducted in open court without a jury, and shall otherwise conform as nearly as may be to the established civil practice and procedure in the circuit courts, and the rules of evidence in civil causes shall apply.

Now, the rules of evidence in civil causes are much more liberal than the rules of evidence in criminal causes. And what we are doing here, in effect—it seems to me what these rules are doing—is in many cases trying subjects that are inherently criminal in nature. But nevertheless, the respondent and judge only get the benefit of civil rules.

Then we go to rule 9 and I'm almost done:

If the court finds that the charges are meritorious, the court shall make its written findings of fact and law, and shall determine such corrective and disciplinary measures as in the judgment of the court are warranted by such findings, and may issue such orders, directives, mandates, writs or process as in the judgment of the court are necessary or expedient to carry the court's determination into effect.

In other words, there is absolutely unlimited right claimed by the supreme court to impose penalties in such a case.

Now I grant you that whenever a court or any other body is given an investigative power and a power to determine facts concerning wrongdoing, there has to be a penalty in order to make those orders or determinations enforceable, but here we have, neither in the statutes nor the constitution as it exists now nor in the rules themselves, no limit as to what the court may do.

Furthermore—and this is the final rule I am going to read to you—and it is short; only 2 lines. The supreme court says in so many words that the legislature of the state of Michigan is forbidden to interfere with these proceedings, and here are the words, "Any statutory provision that is inconsistent with any provision in these rules shall be considered as superseded by these rules." Now, there we have it. That's the interpretation of the supreme court of its own powers under the present constitution. Under this interpretation, I submit there is no limit on the penalty that the supreme court might impose.

There is no reason at all why the supreme court in one of these proceedings could not remove or suspend a judge. We feel that that is a dangerous power. It's a power that should be exercised—the removal or suspension of an elective officer should be exercised as are these powers with other public officials, by the governor, by the legislature or by impeachment.

We're not interfering with the rules by the minority amendment. We are permitting the supreme court to impose any penalty that it sees fit for a determination that some judicial officer has violated the rules except 2 things: the supreme court shall not suspend or remove a judge.

CHAIRMAN VAN DUSEN: Judge Leibrand, did the Chair understand that the secretary had not correctly read the amendment which you, Miss Donnelly and Mr. McAllister offered?

MR. LEIBRAND: No, Mr. Chairman. We had made a misstatement in our reasons which were distributed to the delegates. We said the only thing in our amendment was the matter of removal and suspension of judges when, as a matter of fact, there was another aspect there, another phrase upon which I will not dwell at this time.

CHAIRMAN VAN DUSEN: The Chair will ask the secretary to read the amendment as it has been offered.

SECRETARY CHASE: May the secretary ask the pardon of the minority in the preparation of this amendment in that we overlooked one part of the amendment.

The minority report amendment offered by Miss Donnelly, Mr. Leibrand and Mr. McAllister is as follows:

1. Amend page 2, line 1, after "over" by striking out "all" and inserting "the dockets of the appellate court and circuit"; and in line 3, after "rule" by changing the period to a comma and inserting "it being provided that the supreme court shall not have the power to remove or suspend a judge."; so that the language will then read:

The supreme court shall have: a general superintending control over the dockets of the appellate court and circuit courts; power to issue, hear, and determine prerogative and remedial writs; appellate jurisdiction as provided by

supreme court rule, it being provided that the supreme court shall not have the power to remove or suspend a judge.

CHAIRMAN VAN DUSEN: Just to keep the committee advised, the Chair's most recent census of nonlawyer delegates in attendance was 28. Mr. McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates and also delegates who are nonlawyers, I only have this to offer: on February 7, 1961, an attorney for the court administrator interpreted the rule of superintending control. Until 1959 the court had followed the writs which have been referred to by both Mr. Leibbrand and Mr. Cudlip and never attempted to exercise greater power until the Huff case came along. But the attorney for the court administrator cites on February 7, the following—and I want you to listen closely:

If cause exists for exercise of general superintending control, the practical application is nearly without limit, reprimand, fine, suspension, recommendation to the legislature or imposition of new and additional means, writs and processes.

I assume that this statement was made with the approval of the supreme court so that if this statement is correct and it was made by the attorney for the court administrator, the supreme court has unlimited power to do anything they see fit when anyone is before them. In other words, if they have this power, they have the power of the ancient king. The man is brought before the tribunal, the sentence is made and he has no appeal; and conceivably the decision could be made on any type of facts, as Mr. Leibbrand has indicated in reading the court rules to you here today.

CHAIRMAN VANDUSEN: The Chair will recognize Mr. Everett.

MR. EVERETT: In accordance with the Chair's suggestion, I may only be talking to brother lawyers but I still think it needs to be said that what the minority is trying to do is to move the clock back beyond 1850. The language which they object to, "the general superintending control over the other courts" has been in our constitution since 1850. Now, they can cite one case in 112 years in which they say the court has made a mistake. I don't know if the court did make a mistake or not. But if they made one mistake in 112 years, I submit their record is better than most of ours.

I think that we have got to determine for ourselves whether we do want to permit a general control or whether we don't. Judge Leibbrand and Mr. McAllister have suggested the terrible consequences of this. In the 112 years which they claim the court has had this power, no judge has ever been suspended or removed—to my knowledge, at least—by the court. One, I guess was impeached someplace back in history by the legislature and this, of course, doesn't affect the right of impeachment. The legislature still has the power of impeachment.

What they are suggesting to us is—and I frankly can't follow their logic—is that the supreme court should not have this power because in all other instances the supreme court has the final say. Now, if you are arguing that they should not have the final say here because they do have the final say elsewhere, I don't understand why you worry about them. It is not a power which should ever be likely exercised.

We have heard a great deal of comment in these halls about having trust or mistrust of the legislature and I guess this simply boils down to whether you trust or distrust the supreme court. This is not a matter of personalities, who happens to sit on the court at this moment or some other moment in history. It is a question of whether the court administration is going to be continued and maintained or whether it is going to be thrown out the window.

As many of us suggested yesterday—maybe too many—lawyers throughout this country look upon Michigan as having had a tremendous degree of good court administration for the simple reason that we have had controls which they wished to have and are now acquiring.

And I submit that we would be making a terrible mistake if we turn the clock back not even 100 years, but back past 1850.

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

MR. DANHOF: Mr. Chairman and members of the committee, I would merely like to emphasize what Mr. Everett has said. We have recommended the reenactment here of the present constitutional language of 1908. If there was one thing that was presented to our committee, it was this particular language.

The gentleman who came from the state of New York where they passed that long judicial article that Delegate Ostrow showed you the other day, stated that as he was flying over here to Michigan, he read our judicial article and he said, "What we achieved in 1960 you have had since 1908." Now, the state of New York is not necessarily known as a backward or a nonprogressive state. Many of our laws, a great deal of our legal history comes from the state of New York. And if there was one thing that was impressed upon us by other speakers, especially from New Jersey where they probably had before 1947 the worst possible court system, was that the language that we had in our 1908 constitution should be retained.

Since 1908 the state of Michigan has been pointed to as a leader in this field. Every single authorization in the field of sound judicial administration comes from this particular act. All of the new constitutions have copied almost verbatim the words that we have had in Michigan for 52 or 53 years. The limitation which the minority report would make on this constitution would place us, as Mr. Everett has said, not just 50, but 100 to 150 years back. If there is one matter or one idea which must be preserved, it is on this particular provision.

We realize that certain people have a fear—and maybe it is justified and maybe it is not; maybe it is because they're a little too close to the trees and can't see the forest—but if there is one thing that we need, it is a sound judicial integrated system and to place upon this the limitations that the minority would, would severely hamper everything that you have voted for heretofore.

This is the crux that they admitted they were leading up to and this is the one thing, this is the thing that will provide a sound judicial administration. No judge, if he adequately performs his judicial duties, regardless of the strata that he may be in, will find himself before the supreme court or cited for any violation or dereliction of duty.

The majority of the committee urges that this convention not take a step backward but that they at least remain where they are and keep Michigan in the leadership in this particular field.

I strongly urge that the amendment be defeated.

CHAIRMAN VAN DUSEN: The Chair doesn't know quite what it was that you did that affected the delegates, Mr. Danhof, but 5 of them sought recognition during your remarks. The Chair will recognize Mr. Mahinske.

MR. MAHINSKE: I rise to support the proposed amendment here. Among other reasons, I would like to call the committee's attention to Committee Proposal 42, where we have already passed authority or a proposed article in the new constitution regarding impeachments. Now, in section d of this proposed article, we make judicial officers subject to impeachment for cause; then in section e of the new proposed article, we have written or suggested the following language:

Any officer elected by a county, city, village, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law. Now, what we are suggesting is that judicial officers may be impeached under the strict impeachment provisions, or they may be removed from office by a simple statute that the legislature puts through. Now we want to go a little further and say that the supreme court themselves may also remove these judges.

The main objection I have here is the same objection that I have to the administrative tribunals. We have a body that writes the rules, that enforces the rules, makes the hearings under their own rules that they have written and they penalize

under these rules. Now, I don't think that we are going to want to go this far with our judges.

So far we have not determined how we were going to select the supreme court. We may well wind up here with an appointed supreme court with the power to remove elected officers. This I would object to from the very inception of this. We also may wind up here by selecting our supreme court bench on a regional basis.

Now, any judge in any area of the state knows that there is no possibility that a majority of that bench would be people from his own geographical area. Now, this is 2 strikes against him before he even gets involved with them.

Frankly, I think that there are enough safeguards in the impeachment article and in general practice and under the rules written by the supreme court to take care of any judges that start to divert from their duties. I think that putting a strict prohibition on the supreme court from removing elected judges, or even appointed judges, is a good move in this direction. For that reason, I would support this.

CHAIRMAN VAN DUSEN: Mr. Lawrence. Excuse me, Mr. Mahinske, had you concluded?

MR. MAHINSKE: I was just asked to comment on the docket procedure here. I think that this is also desirable as far as I am concerned. I think that they should have control over the dockets.

CHAIRMAN VAN DUSEN: Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, members of the committee, there are 2 or 3 things that have occurred to me as being rather serious in the effort to limit the superintending control of the supreme court by the proposed amendment and why I feel that the provision in the majority report should be approved. In the first place, to put it simply, the majority report—which as I believe has been pointed out, is taken not only from the 1908 constitution, but the 1850 constitution and has been in force all that time—merely says that the supreme court shall have superintending control over the courts with the power to issue certain writs: remedial writs and prerogative writs.

Now, let's take a couple or 3 examples. One, you've heard the Huff case referred to. I would like to know if there is any proponent of the amendment or any delegate who is prepared to stand here and say that the supreme court exceeded any reasonable superintending power that it should have in that case. If anybody cares to say so, I would like to hear it. And I would have that person point out, by being familiar with the facts of that case, wherein the supreme court exceeded any reasonable, proper superintending control. And unless that is done, let's forget about the Huff case even being one case in 112 years in which the supreme court has improperly assumed control or authority over our court system. That's the first thing.

Now the second thing. I think that our purpose here is to try to improve our court system. If it is, let's see if it is improper to have the supreme court or to lodge in the supreme court the superintending control over all the courts. We have several hundred, I imagine, judges in this state. If each one is to be a little law unto himself and be able to determine how he shall conduct himself, do we have the efficient use of our court system? Shouldn't we have authority somewhere?

Now, the amendment says, "the supreme court shall not have the power to remove or suspend a judge." Let's think about that for a minute. Suppose some judge starts acting queerly. Suppose, to use an example, that he started issuing divorce decrees willy nilly, without proper proofs. Suppose that he stated he would not follow a certain rule of law and consistently refused to do so. In other words, that for reasons of nervousness or mentality or something, he was no longer fit to act as judge, whether temporarily or otherwise; is there anybody here who would say that the supreme court, protecting the people of this state, should not have authority to issue a writ restraining that judge from acting until such time as it could be determined what was wrong? It seems to me so plain that that would be to the interests of the people in the state, of all of us.

Also, I think this, I think that the holding of judicial office is a very high honor. It is one of the highest honors that we can give. The right to determine the rights—personal and property—that our people have—I think that such a man, when he takes that office, should be willing to say: I am to be judged on a higher standard than the average man in the street who has litigation in front of him. And if he conducts himself personally outside the court in such a way as to bring discredit on the judicial system, certainly there must be some means within the court structure of issuing some sort of writ to suspend or remove such a judge from acting until any other method they want to have, such as impeachment, can be invoked. Thank you.

CHAIRMAN VAN DUSEN: The Chair recognizes the delegate from Bay, Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, with regard to the minority report, the aspect of this that should not be lost and should attract your attention is that the power of the court would be limited to superintending control over the dockets.

Now, I don't think it's true that prior to 1959 the circuit courts in this state were above reproach. Prior to that time I recall complaints, and it is my understanding that there were courts in this state that declined to render decisions for a matter of years.

Put yourself in the place of a plaintiff or a defendant in a court of law and unable to get a decision from the judge for a matter of years. Sure, you have one remedy. You can go to the supreme court and get a writ of mandamus to force him to make a decision, but how effective is that? What kind of a decision are you likely to get?

Now, the case in 1959 did not directly involve such a problem of a failure to make decisions. But since that time I have heard a lot fewer complaints. A particular problem involved removing a judge from that circuit. Sure, he had plenty of work to do there, and they brought in another judge to do it, to solve a problem in Detroit, according to the court. Now, I'd also like to say that this amendment, if it would succeed, would cut the heart right out of a pending case in the supreme court.

Now, if this were to go through and the power of the supreme court in disciplinary matters were simply over the dockets of the court, you would have no power of discipline over let's say a nonlawyer judge in a probate court with regard to any other matter except the docket. I would say that it is not so that there is no limit on the power of what the court may do. Certainly the court would have to follow some due process requirements of notice. This is all provided for and I don't think there is any question but what the federal court could step in if there was an arbitrary exercise of power by the Supreme Court of Michigan.

It was not very long ago that the district federal judge did overturn a judgment of the Supreme Court of Michigan. I think that, as Chairman Danhof has said, I voted against the provision in committee that the supreme court not have the power to remove the judge from office, but I think there are cases where they must have the power to suspend or they must have a power beyond the control over dockets.

A judge is not an ordinary citizen. He is a man in an extreme position of power over the people that appear in his court. It would merely transfer this power that the proponents of the minority report are talking about from the supreme court to every individual judge of a court of record in this state or courts not of record.

In the course of our committee hearings and in hearing the testimony of witnesses from other states, this is the one thing, the superintending and supervisory control, that they felt that Michigan had that they needed.

I urge you to support the committee proposal and to defeat the minority report amendment.

CHAIRMAN VAN DUSEN: The Chair recognizes Mr. Woolfenden.

MR. WOOLFENDEN: Mr. Chairman and delegates, I rise in opposition to this amendment. I think in fact the amend-

ment is in 2 parts and when we come to vote on it, I will ask that it be voted on separately. Addressing the first part of the amendment, inserting the words, "the dockets of the appellate court and circuit", I wish to submit that the existing language of the Michigan constitution, as has been stated, has been unchanged since the Constitution of 1850. It is generally recognized throughout the United States as being one of the most important and most constructive provisions in the Michigan constitution.

I would like to read to you a brief comment from the citizens research council analysis of this article, which I can state from my own experience and discussing this matter with attorneys from states throughout the United States is a valid and accurate commentary. The citizens research council states:

The superintending control power over all inferior courts given the supreme court by this section is one of the most significant powers given to the court in the constitution. This same power exists in a number of other states and is the envy of other states not having it.

There is no question but what the good administration of justice in Michigan—and I am speaking of the administrative phase of the courts of justice—is, we are one of the leaders of the United States and it is because of this language which has been demonstrably effective and in the best interests of the state now for 112 years. I think to pull the teeth of this section of the constitution would be a tragic step backward from the position of leadership in the administration of justice that we have enjoyed in Michigan.

Now, as respects the second clause, it being provided that the supreme court shall not have the power to remove or to suspend a judge, I think that this amendment reads into the general superintending control language something that isn't there. In the same 112 years since 1850 the supreme court has had this general superintending control and to the best of my knowledge it has never once undertaken to remove a judge.

The impeachment provision of the existing constitution—and I am sure the constitution we ultimately come up with will provide for impeachment—and I think that makes entirely unnecessary this clause which is strictly surplusage in my judgment and reads into the article as proposed by the committee, something that isn't there.

Therefore, I oppose both sections of this amendment, but I ask that it be submitted as 2 parts for vote when the time comes.

CHAIRMAN VAN DUSEN: In accordance with Mr. Woolfenden's request, the question will be divided when it is put. Mr. Danhof.

MR. DANHOF: Mr. Chairman, it is obvious that debate will go on for some time and I therefore do now move that the committee rise.

CHAIRMAN VAN DUSEN: Mr. Danhof moves the committee do now rise. The question is on the motion. Those in favor will say aye. Opposed?

Motion carries. The committee will rise.

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

VICE PRESIDENT HUTCHINSON: The delegate from Oakland, Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, the committee of the whole has had under consideration several matters and the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 91**, A proposal pertaining to the supreme court; has adopted 2 amendments thereto, has considered several other amendments and has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Without objection, we will return to the order of motions and resolutions.

SECRETARY CHASE: Messrs. Binkowski, Ford and Marshall offer

Resolution 78, A resolution relative to post adjournment affairs of the convention.

Following is Resolution 78 as offered:

Whereas, The Michigan constitution, in section 4 of article XVII, requires that the convention shall "provide for the printing and distribution of its documents, journals and proceedings"; and

Whereas, The convention also has an obligation to arrange for the orderly return of convention hall to its regular uses; and

Whereas, These steps should be taken in as efficient and economical a manner as possible consistent with the constitutional and moral obligation to apprise the people of the convention proceedings; now therefore be it

Resolved, That:

1. The convention call upon the legislature to arrange for the restoration of convention hall.

2. The department of administration shall be asked, in conformity with an opinion of the attorney general, rendered November 20, 1960, to Representative Joseph Gillis, to make arrangements for the disposal of all other properties of the convention.

3. The convention shall contract with the secretary of the convention, as was done in 1908, for the services of preparing the index and supervising the printing, binding and mailing of documents, journals, verbatim proceedings and debates and the address to the people, including the proposed constitution.

4. The convention, so far as feasible, shall have the journals and the documents and proceedings of the convention transcribed and prepared prior to the adjournment.

5. All records shall be transferred either to the secretary of state or the state historical commission at adjournment.

6. All moneys not expended or obligated at the time of the adjournment of the constitutional convention shall revert to the general fund of the state.

7. Any resolutions or actions inconsistent with this resolution shall be rescinded.

VICE PRESIDENT HUTCHINSON: The resolution is referred to the committee on administration.

Announcements.

SECRETARY CHASE: I have the following requests for leave: Mr. Perras has already been excused from the sessions of Monday and Tuesday next. He has filed an additional request to be excused from next Wednesday's session; and Mr. Nisbet asks to be excused from the session of Monday. That's all I have at the present time, Mr. President.

VICE PRESIDENT HUTCHINSON: Without objection, the requests will be granted. The Chair hears no objection. It is so ordered.

The Chair now recognizes the delegate from Washtenaw, Mr. Lawrence.

MR. LAWRENCE: Mr. President, I move that we recess until 2:00 o'clock this afternoon.

VICE PRESIDENT HUTCHINSON: Mr. Lawrence moves that the convention stand recessed until 2:00 o'clock p.m. All those in favor will say aye. Opposed will say no.

The motion prevails and the convention stands recessed until 2:00 p.m. today.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

The convention will be in order.

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

We have the following requests for leave of absence: Mr. Madar is absent from the afternoon session so that he may take Mr. Buback back to Detroit; Mrs. Cushman would like to be excused from the afternoon session due to a doctor's ap-

pointment; and Mr. Page would like to be excused from the afternoon session.

VICE PRESIDENT HUTCHINSON: Without objection, the requests will be granted. The Chair hears no objection. It is so ordered.

The delegate from Oakland, 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 general orders calendar.

VICE PRESIDENT HUTCHINSON: The question is on the motion of the gentleman from Oakland. All those in favor will say aye. All those opposed will say no.

The motion prevails. The committee will convene and Mr. Van Dusen will preside.

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

CHAIRMAN VAN DUSEN: The committee will come to order. As we proceed further with the consideration of the rather technical matters in the judicial article of the constitution, the Chair would suggest to this attorney the fact that this morning we experienced a high degree of absenteeism and an equally high degree of private conversation on the floor during debate and that a counteractive measure designed to retain your audience might be to make your remarks as brief and as simple as possible. With that admonition, we will continue with the consideration of section c of Committee Proposal 91, and specifically, the first part of the minority report amendment offered by Delegates Donnelly, Leibrand and McAllister. The Chair has 5 speakers seeking recognition, the first of which is Mr. McAllister and the Chair recognizes Mr. McAllister at this time to speak on the amendment.

MR. McALLISTER: In view of the fact that it has already been quite amply discussed, I believe I'll waive my right to the floor at this time.

CHAIRMAN VAN DUSEN: Mr. McAllister passes. Judge Dehnke.

MR. DEHNKE: Mr. Chairman and delegates, I have understood that there are some negotiations in the wind which may make it unnecessary for me to make the remarks that I had in mind. But in the meantime, I thought some of the lawyer delegates as well as the laymen might be interested in hearing what one prominent writer had to say about judges and how easy their task and how light the yoke rests upon their shoulders. This was a writer by the name of Elbert Hubbard, commonly known as Fra Albertus, who had these observations to make on judges about 50 years ago. He said:

A frivolous man has said that a judgeship is a booby prize given to a lawyer for mediocrity. This is an overstatement of the literal truth, which is that a commonplace man will often make a very good judge.

I pause to give you a chance to say to yourselves, "Thank heaven for that." The quotation continues:

There is something about the position that lifts a man morally and mentally, and brings out the best there is in him.

The first requisite in a judge is disinterestedness. It is moral qualities that make the good judge, rather than eminent mental attainments.

Very, very seldom in practice is a judge required to make an epoch making decision. The routine of office is a track well trodden. All along, the road is blazed.

A businessman can go wrong easily, because he is often sailing an uncharted sea. But with a judge, the foghorns are within hearing distance, and the bells of the lifebuoys sound their continual alarm.

A judge is very fortunate in having counsel on both sides explain the case to him at great length. Considering the constant tutorship and the plenitude of advice that he enjoys, there is really no excuse for the ignorance or the mistakes of a judge.

CHAIRMAN VAN DUSEN: Thank you, Judge Dehnke. The Chair will recognize the vice chairman of the committee, Mr. Ford.

MR. FORD: Mr. Chairman, I rise to support the majority report in the committee proposal. I'd like to call the delegates' attention to the fact that it has been pointed out here, perhaps by accident, that by implication the committee intends to confer upon the supreme court a power to suspend or remove judges inferior to the supreme court that it does not now have.

It is not my understanding as a supporter of the committee's position, that the committee intends to enlarge at all upon the powers that the supreme court has had in this case for many years, and it should be stated clearly on the record, at least to satisfy me as a supporter of this position, that we do not intend to confer upon the supreme court the powers to remove judges from office.

We have provided in Committee Proposal 96, at page 3, section h, the manner in which a judge can be removed or suspended from his office. We already adopted in the committee of the whole, I believe, a general provision having to do with impeachment procedure that would provide for the impeachment of judges. It should be kept clearly in mind that there are 3 ways that a judge might be taken out of his office either temporarily or permanently.

The first, of course, and the most serious, would be by impeaching him from office, and he would be impeached in the same manner as any public official at least above the county level and we have already provided for this in a provision in the existing constitution and in the proposed constitution. Now, impeachment arises out of misconduct affecting the office of misfeasance, malfeasance and nonfeasance. However, there might be causes for removal of a judge or for the suspension of his powers that fall short of official misconduct on his part. And for that reason, the judiciary committee has provided in section h of Committee Proposal 96 that a judge may be removed or suspended by joint action of the governor and 2/3 of both houses of the legislature. In other words, to suspend the powers of a member of the judiciary, a clear and distinct part of the 3 major portions of our government, you have to have the joint action of both other parts of the government, the legislative and the executive.

Now, within the contemplation of that section are removals for such things as physical incapacity that the judge might not be in a position to appreciate himself. Certainly you wouldn't impeach a judge because he had a nervous breakdown or a mental breakdown that made him incapable of carrying on, but also made him incapable of making a decision to resign from his office, but you wouldn't want to be in a position where you would have to continue him in office to the detriment of the public. So the governor, with the joint action of 2/3 of both houses, can remove him from office without attaching to him the stigma of an impeachment proceeding. This removal could, on its face, say that there is nothing wrong in the sense that the judge has performed any dishonest act but that he is just no longer able to perform his functions. By the same token, there might be an occasion—and I can't think of an example offhand—where a judge might be suspended for a period of time, and again it would take this same sort of formal action. So it is the view of the committee in recognition of coverage in the constitution of the 3 types of removal or suspension, that it is not necessary to consider that as a part of this particular section.

What we have to realize here is that we are arguing the same principle that we argued with respect to section a and section b. We are arguing here really about what the power of the supreme court is going to be to superintend the activities of these courts inferior to the court.

I should hope that the proponents of this amendment did not intend by this language to say that the supreme court could not, when it was called to their attention that something was wrong in the judiciary system, institute an investigation and on the basis of that investigation recommend either the impeachment, removal or suspension of a judge. To make it very clear, I would like to ask a question, Mr. Chairman, and yield for an answer to Mr. McAllister in this regard and perhaps we might reach a meeting of the minds with respect to the language involved here.

CHAIRMAN VAN DUSEN: Mr. Ford yields to Mr. McAllister for a response to a question.

MR. McALLISTER: Mr. Ford, there is no intent on the part of the minority group to prevent the disciplining of judges. The only thing we feel that the supreme court should not have is the right to remove a judge. And from your reasoning and your conversation here in talking to the delegates, it would appear that you say that you don't object to a provision in the constitution against the removal or suspension of judges. And if that is what you have said, as I understood it—was that this section does not contemplate the removal or suspension of judges—and if it doesn't contemplate that, I can see no reason why the committee, the majority of the committee, or yourself, would object to these 2 items being in the section of the proposal before us. If my understanding is right and you are willing that it specifically set forth that the court will not have the right to remove or suspend a judge, we are willing to, with that exception, let the proposal as you have it, stand.

MR. FORD: Could I ask Delegate McAllister if he feels there is any danger that including the language, "it being provided that the supreme court shall not have the power to remove or to suspend a judge" might have read into it this kind of a connotation: that since we have taken it upon ourselves to specify that they do not have this power, that this might imply that they do not have the power to investigate, initiate or otherwise inquire into matters necessary for the removal or suspension of a judge?

MR. McALLISTER: No. I say they have that right. I have no objection to that and I don't think the other members of the minority do. In other words, what we object to is a man being accused, complained against and tried by the court without having any opportunity to appeal. In other words, that doesn't sound like America to me. If you are willing to have added to the body of this section that the court shall not remove or suspend a judge, or words to that effect, that's all we want. And we certainly say that they have a right to investigate, discipline and complain to the proper authorities, asking for the removal of the judge.

At the present time if a man is impeached, he has a right to appeal to the court. That's my understanding at least. In other words, he has a second chance. But under the setup, if the supreme court, as they have indicated through their attorney, has unlimited power, then a man is brought in and tells his story, and whatever they do is final. And I don't think that is an American right or an American way of life.

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: Mr. McAllister, don't you believe that the fact that we have provided in 2 other places in the constitution for the method of removal or suspension of judges is sufficient to afford the kind of protection that you want?

MR. McALLISTER: No, I don't; because, on February 7, through their attorney they claim they have unlimited power. That's the attorney's statement, the attorney for the court administrator who is under the direction and control of the supreme court. And if you mean what you say, you should have no objection to providing in this article that the supreme court shall not have the right to suspend or remove a judge. And if you can tell me in what way that is inconsistent with any other provision in the constitution, then I will be willing to listen.

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: I want to accede to the fact that I do think that Mr. McAllister and I are coming to a meeting of the minds on what we intend to accomplish. But to further question Mr. McAllister, would in your opinion the inclusion of the language at this particular place—and by that I mean in juxtaposition with the general grant of superintending power to the supreme court—would this language have any danger of being used to prevent the supreme court from instituting proceedings such as in the Huff case,—

MR. McALLISTER: No, because—

MR. FORD: Let me finish.

MR. McALLISTER: Pardon me.

MR. FORD: —which might have, if the circumstances were more severe, ultimately ended up with a recommendation from them to the governor and the legislature that the judge be removed from office?

MR. McALLISTER: No. I would say the supreme court has that right. I think anybody has the right to recommend and I certainly don't feel by adding these 2 words to the section in any way prevents the supreme court—and I make that as a positive statement. The only thing is we don't want hazy language here that doesn't define things because in view of the supreme court's own statement—or at least the attorney for them—that they have unlimited power, it should be restricted so they can't invade the impeachment proceedings area except by making a complaint to the governor or to the legislature. They certainly would have that right. We don't contend that they don't have that right.

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: Would you have any objection to modifying this language to make it equally as clear that the supreme court would in no way be restricted from taking any proceeding short of the actual removal itself in furtherance of removal or suspension?

MR. McALLISTER: I would say this, that the supreme court would have the right to recommend to either the governor or the legislature that any judge should be removed from office.

MR. FORD: But could the supreme court hold a hearing and go into the facts?

MR. McALLISTER: I would say they should not go into the facts, in other words, have a hearing on it, because then they've made a determination.

MR. FORD: Now aren't we down to the nub of this? Isn't this really it, Mr. McAllister, that you believe that this language would prevent the supreme court from holding a hearing on the question of the fitness of a judge to continue in his office?

MR. McALLISTER: I would go this far, that if the legislature requested them to hold a hearing, then I'd say they have a right. In other words, the thing is here, if the supreme court prejudices a matter of this kind—they should certainly have the right to report the facts that come to them to the legislature and let the legislature or the governor act on those facts. But if they have a hearing and determine in advance that the man is guilty of the charges, then isn't the legislature mandated to impeach that individual? In other words, the man is entitled to a fair hearing and if guilt is predetermined by the supreme court, then of course he can't have a fair hearing. It's plastered all over the papers that the man is guilty and the supreme court has so determined. So I would say they would have the right to complain and present the facts that they find, with no recommendation.

CHAIRMAN VAN DUSEN: The Chair would advise the gentleman from Taylor and the gentleman from Bad Axe that their colloquy has apparently attracted amendments. We now have a proposed substitute for the second half of the Donnelly-Leibbrand-McAllister amendment and we also have an amendment to it. Might the Chair suggest that the secretary read the amendments which have been filed in the hope that it might expedite proceedings.

SECRETARY CHASE: Mr. G. E. Brown has offered the following substitute amendment for the second part of the amendment:

1. Amend page 2, line 3, after "rule" by changing the period to a colon and inserting "Provided however, No judge shall be removed from office or suspended except as provided by this constitution."

CHAIRMAN VAN DUSEN: Mr. Ford, I believe that you had the floor. Would you like to yield to Mr. Brown for a discussion of his amendment or do you prefer to retain it?

MR. FORD: I'd like to yield to Mr. Brown if I could then yield to the chairman of the committee.

CHAIRMAN VAN DUSEN: We will follow that order. Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I shall be very brief. It seems that the amendment that I have proposed places the removal and suspension provisions together where they belong, that is, as Mr. Ford has mentioned, in section h of Committee Proposal 96. The language, however, here would seem to modify the language of the committee proposal insofar as it relates to the superintending power of the supreme court. This should cast away the windmills and let the removal and suspension power be set forth in the constitution where it should, that is, in section h of Committee Proposal 96.

CHAIRMAN VAN DUSEN: Mr. Ford now yields to the chairman of the committee, Mr. Danhof.

MR. DANHOF: Mr. Chairman, might I inquire of the secretary whether or not the question has been divided?

CHAIRMAN VAN DUSEN: The question has been divided and will be presented separately when we get to it. At the moment the matter before the body is the Brown substitute for the second half of the Donnelly-Leibbrand-McAllister amendment.

MR. G. E. BROWN: Mr. Chairman.

CHAIRMAN VAN DUSEN: Mr. Brown.

MR. G. E. BROWN: My amendment, of course, also struck the first language, the language in the first clause. But since it is going to be divided and voted upon separately, upon consultation with the secretary, that part of my amendment was not read. My amendment totally would do away with the first clause about the dockets, et cetera and then change the language in the last. So if it is going to be divided, we could just as well vote upon it. It isn't necessary to do it twice by considering that first part of my amendment.

MR. WOOLFENDEN: A parliamentary inquiry, Mr. Chairman.

CHAIRMAN VAN DUSEN: Mr. Woolfenden.

MR. WOOLFENDEN: If I understood Mr. McAllister correctly a few moments ago and if he were speaking for his associates with this amendment, he withdrew the first part. Did I understand you correctly, Mr. McAllister?

MR. McALLISTER: That was my intention. I want to speak to my associates.

MR. WOOLFENDEN: Can I get that cleared up, Mr. Chairman? Mr. McAllister says it was his intention to withdraw the first part of the proposed amendment.

CHAIRMAN VAN DUSEN: The Chair may have missed it in the course of the colloquy, Mr. Woolfenden. May the Chair ask Judge Leibbrand to comment?

MR. LEIBRAND: I concede to concur in the withdrawal of the first part.

CHAIRMAN VAN DUSEN: Miss Donnelly, your cosponsors of the amendment have suggested the withdrawal of the first portion of the amendment. What is your pleasure?

MISS DONNELLY: I'm sorry. I was trying to get Mr. Brown's language. My pleasure as to the word "dockets", you mean, in the appellate court? I have no objection to that being removed.

CHAIRMAN VAN DUSEN: The sponsors of the amendment withdraw the first portion of their amendment and the secretary will read the balance of the minority report amendment proposed by Miss Donnelly, Messrs. Leibbrand and McAllister.

SECRETARY CHASE: The second part of the amendment as proposed by Miss Donnelly and Messrs. Leibbrand and McAllister is as follows:

1. Amend page 2, line 3, after "rule" by changing the period to a comma and inserting "it being provided that the supreme court shall not have the power to remove or suspend a judge."

For this amendment Mr. Garry Brown offers the following substitute amendment:

1. Amend page 2, line 3, after "rule" by changing the period to a colon and inserting "Provided however, No judge shall be removed from office or suspended except as provided by this constitution."

CHAIRMAN VAN DUSEN: The question is on the substitute amendment offered by Mr. Garry Brown.

MR. HUTCHINSON: Mr. Chairman.

CHAIRMAN VAN DUSEN: Excuse me just a moment, Mr. Hutchinson. The Chair would advise Mr. Mahinske who has also filed an amendment that Mr. Brown's substitute was on the desk first and that it is therefore the matter currently before the house.

Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I'd like to ask Mr. Brown of Kalamazoo a question with regard to his amendment. Keeping in mind the saying, which I think is true, that the constitution is what the supreme court says it is, when you would say that they can't remove a judge except as provided in this constitution, this seems to get so we're going around in a circle here right back to the problem that we have immediately before us. They apparently think they've got constitutional power to do that now. They might think they had constitutional power in the future if your amendment were adopted. Is that not true?

CHAIRMAN VAN DUSEN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, Mr. Hutchinson. I think not, Mr. Hutchinson. The purpose in putting the language in at this point is to in effect limit the general language of the superintendency of the court, or the superintending powers of the supreme court over the courts.

The rule of constitutional interpretation, as I recall it, is that where there is an express provision relative to such things as removal or suspension—these are the provisions relative to removal or suspension which will be spelled out in section h of Committee Proposal 96—there is no power to imply a greater power from the general wording of "superintendency of the courts." Does Mr. Hutchinson disagree with this constitutional interpretation?

CHAIRMAN VAN DUSEN: Mr. Brown yields to Senator Hutchinson.

MR. HUTCHINSON: Mr. Chairman, in response to the gentleman, I would say that I would recognize the merit of his argument, that when we spell something out in particular, that it would take precedence over the general. But I am not at all certain that the Supreme Court of Michigan would interpret it the way you and I do, Mr. Brown, and I'd rather be specific.

CHAIRMAN VAN DUSEN: The Chair will advise the several gentlemen who have sought recognition that while there were some 7 speakers waiting recognition on the main question, the Chair started a new list when Mr. Brown's substitute amendment was proposed and now 5 speakers are seeking recognition on the substitute, the first of whom is the gentleman from Bay City, Judge Leibbrand.

MR. LEIBRAND: May I make an inquiry of Mr. Brown?

CHAIRMAN VAN DUSEN: If the gentleman cares to answer.

MR. G. E. BROWN: Yes, Judge Leibbrand.

MR. LEIBRAND: Is it the intent of your amendment to prevent the Michigan supreme court under any circumstances from removing a judge or suspending a judge?

MR. G. E. BROWN: Mr. Chairman, Mr. Leibbrand, the intent of my amendment is to put the removal and suspension provisions in the place where they belong, that is in section h of Committee Proposal 96, which will be the section of the constitution dealing with removal and suspension. The only reason the language is put in this section at this time is to clearly set forth that this language later on relative to removal and suspension is the language relative to removal and suspension; that the superintending power of the courts in the supreme court does not in any way limit, extend or affect the removal and suspension provisions of the constitution as they will appear in the constitution.

MR. LEIBRAND: Mr. Chairman, may I ask a yes or no answer to my question? Is it the intent of the gentleman's amendment to prevent or prohibit the supreme court from removing a judge or suspending him?

CHAIRMAN VAN DUSEN: If the gentleman cares to answer.

MR. LEIBRAND: Will you answer yes or no, please.

MR. G. E. BROWN: I don't think a responsive answer would be a yes or no answer, Judge Leibrand.

MR. LEIBRAND: In other words, you don't know whether that's your intent or not. Is that what the gentleman is telling us? (laughter)

MR. G. E. BROWN: I am well aware of what my intent is, Judge Leibrand, and I think when we get to section h, you'll find out.

CHAIRMAN VAN DUSEN: Might the Chair request, Your Honor, that you conduct your cross examination through the Chair? (laughter)

MR. LEIBRAND: I think I have sufficient answer. I don't think I know what the amendment means, and I really feel in my heart the sponsor doesn't, and I yield.

MR. G. E. BROWN: I would like to answer Judge Leibrand, however, Mr. Chairman, if I may. And that is that—

CHAIRMAN VAN DUSEN: If the gentleman will yield for that purpose. The floor was Judge Leibrand's. (laughter)

MR. LEIBRAND: I will yield.

MR. G. E. BROWN: If Judge Leibrand wishes to tie it down even further, there is a very simple way he can do so, by merely adding the word "express" or "expressly provided".

CHAIRMAN VAN DUSEN: Judge Leibrand.

MR. LEIBRAND: May I inquire, through the Chair, if Mr. Brown desires to prevent the supreme court from suspending or removing judges, what is the objection to saying so specifically?

CHAIRMAN VAN DUSEN: Does the gentleman care to answer, Mr. Brown? The gentleman does not care to answer. (laughter) The Chair will recognize the gentleman from Calhoun, Mr. Everett. Mr. Everett passes. Mr. Mahinske.

MR. MAHINSKE: I would be opposed to this amendment simply because by the language we are going beyond the constitution where we state "as provided by this constitution" because we provide in Committee Proposal 42, section e, that any officer may be removed as prescribed by law. This thing is still wide open. And actually what I am opposed to is the supreme court being in a position to remove a judge. This language does not cure my objection. I would be opposed to the amendment.

CHAIRMAN VAN DUSEN: The Chair will recognize the gentleman from Bad Axe, Mr. McAllister. The Chair in doing so will express his gratitude to Mr. McAllister for the gift of a splendid cigar which the Chair expects to enjoy hereafter. (laughter)

MR. McALLISTER: I hope you enjoy it while you're here, Mr. Chairman. (laughter)

CHAIRMAN VAN DUSEN: The Chair trusts that the sense of Mr. McAllister's remarks is that "I can't take it with me." (laughter)

MR. McALLISTER: Right. Mr. Brown, what is wrong with the language at the bottom of line 11 in regard to the removal or suspension of a judge?

CHAIRMAN VAN DUSEN: Does the gentleman care to answer?

MR. G. E. BROWN: I would be happy to answer, Mr. Chairman, if I knew of what he was speaking.

MR. McALLISTER: Doesn't that clearly express what is intended?

MR. G. E. BROWN: What language are you referring to, Mr. McAllister?

MR. McALLISTER: Starting on line 10, "The supreme court. . ."

MR. G. E. BROWN: The minority report, the committee report, or what?

MR. McALLISTER: The minority report.

CHAIRMAN VAN DUSEN: The secretary will read the Donnelly-Leibrand-McAllister minority report amendment.

SECRETARY CHASE: The amendment offered by the minority is:

[The amendment was again read by the secretary. For text, see above, page 1277.]

CHAIRMAN VAN DUSEN: Mr. Brown.

MR. G. E. BROWN: Your question, again, Mr. McAllister?

MR. McALLISTER: Is there any misunderstanding as to what that means?

MR. G. E. BROWN: No. I think it's clear enough.

CHAIRMAN VAN DUSEN: The Chair will recognize the gentleman from Muskegon, Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, the only comment I had was that Mr. Brown referred to another proposal and that proposal deals with only removal. In the present language Mr. Brown does not refer to suspension. Therefore, I don't think we should rely on that section. If it develops that this section, whether amended or not, and the future proposal as we ultimately adopt it is in conflict, after this extended debate, I suspect that with Mr. Hutchinson and Mr. Higgs and a couple other lawyers, including Judge Dehnke, on style and drafting we will prevent the conflict. But I do think that the minority report amendment and the Brown amendment ought to be defeated. It seems to me that there is a different problem in the question of removal and the question of suspension.

If the supreme court finds that a man has for some reason not acted in accordance with good judicial practice, the supreme court, under investigation, decides he ought to be suspended, then he ought to be suspended pending impeachment. I can see the objection to a single body being prosecutor, investigator, juror and dispenser of the penalty. But certainly if they found a judge who was pocketing all the money turned in to him or doing something which was wrong, impeachment proceedings cannot take place—the trial on impeachment cannot take place—until after the legislature is out of session. Certainly there ought to be power in the supreme court to so supervise their courts as to suspend that judge and then refer it to the governor for removal or refer it to the legislature for impeachment under the other article dealing with removal from office. I think that the sponsors of this amendment ought to give due consideration to dividing this question because I certainly could vote that the supreme court could suspend and I could vote against giving the supreme court power to remove; but there are 2 different problems here.

CHAIRMAN VAN DUSEN: The Chair will recognize the gentleman from Detroit, Mr. Stevens.

MR. STEVENS: I have a question, Mr. Chairman. Mr. Brown, would you answer this question, please? Does not your statement which says "except as provided by law" clearly imply that under some circumstances the supreme court would have that power?

CHAIRMAN VAN DUSEN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, Mr. Stevens, are you referring to removal or suspension?

MR. STEVENS: Both.

MR. G. E. BROWN: Well, I can't believe that any lawyer here feels that the supreme court shouldn't have the power of suspension under certain circumstances. The only point that I am making is that the removal and suspension powers should be combined together and that should be in the section dealing with that subject matter. The whole question that has arisen here today has been over the language which is as follows, "The supreme court shall have: a general superintending control over all courts. . . ." You are not worried, I am sure, about the "power to issue, hear, and determine prerogative and remedial writs; appellate jurisdiction as provided by supreme court rule."

The reason that the amendment has been filed is because of this first wording, the "general superintending control over all courts. . . ." The fear is that this will give it the removal and suspension powers. All my amendment would do is say that removal and suspension powers will be taken care of in another section of the constitution, which will be done; and that the general superintending power of the court—that language shall not be directory or give any greater authority to the court or do anything that is not otherwise permitted in the constitution as relates to the removal and suspension powers.

MR. STEVENS: Mr. Chairman, Mr. Brown, I heard your explanation before. Would you care to answer yes or no, that the provision "except as provided by law" clearly implies that under certain circumstances the court would have the power either to remove or to suspend a judge?

CHAIRMAN VAN DUSEN: Mr. Brown.

MR. G. E. BROWN: I am inclined in a bit of haste to say that in view of the conduct and the arguments that some of the lawyers have made that the supreme court should have the power to both remove and suspend.

MR. STEVENS: Thank you.

CHAIRMAN VAN DUSEN: The Chair will recognize Mr. Bonisteel at this time, Judge Leibrand. Mr. Bonisteel.

MR. BONISTEEL: Mr. Chairman and fellow delegates, this probably could be considered historically but since the language which is being discussed here relates to section 4 of article VII of the constitution, in using the language, "The supreme court shall have: a general superintending control over all inferior courts, . . ." and the rest of that paragraph, I might state to you that several years ago the supreme court of this state, because of what they believed was misconduct of certain judges here in Michigan, wanted to know whether they had the power to remove under this provision or whether they had the inherent powers to remove judges as a court, and a brief was requested upon the question of their right and inherent power to remove judges, and a long brief was filed and there was a meeting in chambers with the court at that time. And the court at that time agreed that it did not have inherent powers of removal and did not believe it had the powers of removal under this particular section of this constitution. This is historic, at least as far as upon the question before us, and this is from my own observation, Mr. Chairman.

CHAIRMAN VAN DUSEN: The Chair will recognize the gentleman from Bay, Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, I'd like to concur with Delegate Hanna in that I think that this question should be divided, the question of removal or suspension, and I'm not sure it should be divided on this substitute amendment. I would recommend opposing this particular amendment and passing on to the original minority amendment and dividing that.

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

MR. LEIBRAND: Might I address a question to Delegate Bonisteel?

CHAIRMAN VAN DUSEN: You may, Judge Leibrand, if the gentleman cares to answer.

MR. LEIBRAND: How long ago, Mr. Bonisteel, did this historic conference as to the power of the supreme court occur?

MR. BONISTEEL: I think it was over 12 years ago.

MR. LEIBRAND: Thank you. And the composition of the court has changed considerably since then?

MR. BONISTEEL: Well, there are some new faces on the court now, that's correct.

MR. LEIBRAND: Thank you.

CHAIRMAN VAN DUSEN: The question is on the substitute amendment for the Donnelly-Leibrand-McAllister minority report amendment offered by Mr. G. E. Brown. The Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, I would like to raise a question and hope that the committee chairman can answer it to my satisfaction. It has occurred to me after hearing the debate that any language that we insert at this point could do harm—I don't see that it could do any good—because there is language elsewhere stating what the general power of removal shall be; but it seems to me it could do harm and I ask this question: suppose the supreme court issues a prerogative writ. We know they have the power to do so. It says so elsewhere and everyone is willing to let them have that power. They issue a prerogative writ to a judge of a lower court, ordering him to do a certain thing or produce certain records and so on—a judicial act—and he absolutely refuses to do it. He just won't do it. He keeps the papers that he should forward to the

supreme court or refuses to make a decision and he stands there as a stumbling block and nothing can be done. Now at that point it occurs to me there must be some power to punish any person, whether he is a judge or whatever, if he refuses to obey a supreme court order. I wonder if as a matter of straightforward common law, at that point, whether the supreme court wouldn't have the power and whether they don't need the power to take whatever remedial action shall be needed and if that should include suspension or even removal, if that should be the necessary remedy, shouldn't they have the power?

Therefore, the precise question I have in mind is this: aren't there some cases, some situations in connection with the prerogative writ wherein the supreme court should have a power to discipline, which might include suspension, or it might even include removal? Would the chairman care to answer?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: I can state that insofar as the committee was concerned, we discussed all of this matter very fully. I suppose one thing that could happen, he would stand in contempt and they might be able to incarcerate him until he complied with the order of the court. He might stay there from a day to a year. I can't think of any case offhand where this has happened. The Huff case has been mentioned. This was a case testing the right of the court to assign a judge to another circuit and it involved a possibility of contempt. I would agree that a prerogative writ or a remedial writ—if a prerogative writ were issued to require this—that certainly, I personally would agree that the court should have this power.

MR. NORD: Mr. Chairman, may I then try to get the issue a little straighter? Suppose they should decide that the lower court judge is in contempt and they decide to incarcerate him, everything else having failed. Now the judge is no longer able to act as a judge. He certainly has been suspended in a practical sense. But unless another judge can be substituted for him, there can't be any way to conduct the court's business. Therefore, shouldn't they have the power to remove him at that point? In other words, isn't there some possibility that there would be a need to remove or suspend and that we should be very careful about putting language such as we see it there that the supreme court shall not have the power to do a certain thing when we can't be certain they might not need it at certain times?

MR. DANHOF: I will agree. I might state, Mr. Chairman, for the benefit of those members who are not lawyers, we on the committee have gone through this, and over and over—you see what happens when you try to add language or you try to accept what is provided in the constitution—and we finally came right back to the language which has stood since approximately 1850. We have said if it has lasted this long, it will certainly serve us in the future. I would recommend the defeat of both of the amendments and would hope we could vote with part of it having been removed.

CHAIRMAN VAN DUSEN: Judge Leibrand.

MR. LEIBRAND: May I address a question to Mr. Danhof?

CHAIRMAN VAN DUSEN: If the gentleman cares to answer.

MR. LEIBRAND: Did I understand the chairman to say that it was the opinion of the committee that under the language used in the committee report, the supreme court did have the power to remove or suspend a judge?

MR. DANHOF: I don't think the committee ever reached that particular decision, Judge.

MR. LEIBRAND: I thought I gathered that in your reply to Dr. Nord.

MR. DANHOF: Dr. Nord said he thought that they should have this. I merely gave my personal assent to what he thought.

CHAIRMAN VAN DUSEN: Judge Leibrand.

MR. LEIBRAND: Just a few words and I'm done for the day. There has been a great deal of discussion about the safety in which we have lived for the last 112 years, the fact

that the supreme court had not removed or suspended a judge under this provision in the constitution. Now, to begin with, that doesn't mean very much. The provision lay there unused, I think they said 112 years. The provision lay there unused for 102 years. Then suddenly out of the void came the Huff case, which I think was very properly brought and I think the supreme court had the absolute right to discipline as it did discipline. But that brought the question out into the open. Nobody had ever really thought about the possibility of the extent of the powers of the supreme court along this line until the Huff case arose. Then after the Huff case in 1952 we went along for another 7 years with our questions about the extent of the disciplinary power of the supreme court unanswered. Then along came these rules which I have read to you, in part, adopted on June 5, 1959, which deal, as I pointed out this morning, not only with the official conduct of a judge, but the right of the supreme court to discipline a judge because of his personal habits, his personal conduct, his violation of the canon of ethics of the American bar association, and that canon of ethics may not be in accord with the views of the state of Michigan at all. As a matter of fact, I know many of the canons of judicial and legal ethics with which the people do not agree even by a majority.

So now we are faced with the situation as it really exists. The first 102 years it wasn't called to their attention. The next 7 years we had no practical experience with it; but when these rules come out and say they can discipline an elected judge, and as has been expressed here by several of the speakers, they believe that under these disciplinary powers the supreme court now can remove or suspend an elected judge, it seems to me that it is time to give some attention to this matter.

This is one thing we can't leave to the legislature. We can't leave it to the legislature because as I read you this morning, the supreme court has announced that they don't have to recognize the legislature. They say any statutory provision that is inconsistent with any provision in these rules shall be considered as superseded by these rules. If the legislature should pass a statute governing the discipline of a judge, the supreme court under its declaration here, would have the right and undoubtedly would absolutely ignore that statute. And I say that we are confronted with a problem that is not only emerging; it has with the introduction of these rules actually emerged.

Since the legislature can't do anything with the problem, there is only one body in all the state of Michigan that can do something with it and that is this convention, and I believe this convention should do something about it. Thank you.

CHAIRMAN VAN DUSEN: The question is on the substitute amendment offered by Mr. Garry Brown for the minority report amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. The secretary will read the substitute amendment.

SECRETARY CHASE: Mr. Brown's substitute is:

[The substitute amendment was again read by the secretary. For text, see above, page 1276.]

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

The substitute amendment is not adopted. I believe, Mr. Secretary, there are further amendments to the minority report amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister.

SECRETARY CHASE: Mr. Everett offers the following amendment to the amendment:

1. Amend the amendment, after the last word "judge" by inserting a comma and "except after appropriate notice and hearing"; so that the amendment proposed by the minority would be to insert a proviso, "it being provided that the supreme court shall not have the power to remove or suspend a judge, except after appropriate notice and hearing."

CHAIRMAN VAN DUSEN: On the amendment offered by Mr. Everett, the Chair will recognize the mover, Mr. Everett.

MR. EVERETT: Mr. Chairman, I don't doubt but what just about everything has been said on the subject and I shall certainly try to confine my remarks to the few words of this amendment. I think Mr. Nord has suggested that there probably should be the power within the supreme court in extreme cases to remove a judge. Mr. Hanna has pointed out that the other amendment does not permit suspension but only permits removal for cause.

Now, frankly, I don't think this amendment is needed because I can't conceive that the supreme court would fail to give a proper hearing to a man and I can't conceive that he would not have a proper review if they did fail to give it to him. But in support of their provision, Mr. McAllister and Judge Leibrand have suggested that the court might be arbitrary. So if there is any doubt about it, let's remove the doubt and say, "You may not be arbitrary. You must be fair. If you're not, the federal courts will protect the right of the individual."

Mr. McAllister, incidentally, has said that the real meaning of their amendment is to go much further than removal and to deny the court the right to even have a hearing and inquire into the facts. I, for one, cannot conceive that the supreme court should be so limited. I think if they sincerely believe that the man is entitled to a fair day in court and a fair review of that decision by other courts, this will give it to them and it should solve their problem.

CHAIRMAN VAN DUSEN: On the amendment offered by Mr. Everett, the Chair recognizes Judge Leibrand.

MR. LEIBRAND: The minority opposes the Everett amendment.

CHAIRMAN VAN DUSEN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and gentlemen, I am now compelled to say something which I had hoped I might avoid saying. Of course, nobody would expect that the supreme court would cite a judge without going through the formality of a notice and a trial. Let me come back to the Huff case—and it's true, as Judge Leibrand has pointed out—the necessity for this amendment has risen only in the last 2 or 3 years because of the increasing indications that the supreme court, with the support of a certain portion of the organized bar, was getting around to the point of believing that it had unlimited power.

It had been recognized for generations that every circuit judge, when he could spare the time from the work in his own circuit, was duty bound to accept assignments to other circuits where help was needed. But the Huff case did raise one brand new question. That was whether the supreme court had the authority to take a judge elected in a certain circuit primarily for the purpose of serving the people of that circuit and acting as a trial judge in cases in that circuit where there was plenty of work to keep him busy, had the authority to send him out to some other circuit and send other judges in to do the work in his own circuit. That was a new question.

I can't see for the life of me why anyone should have questioned Judge Huff's right to raise the issue. His position was in substance, "I decline to recognize this order until the supreme court has, in an orderly fashion, considered the question of its authority in that respect. If it decides that it has that authority, then I will obey the order." In spite of that attitude, he was painted as a recalcitrant and rebellious judge. He was hailed before the court and the whole proceeding indicated that the entire approach had been one of arbitrariness. Instead of recognizing that he had the right to raise that point and to have it passed on in an orderly fashion, he was found guilty of wilful disobedience, and he was talked to when the penalty was imposed in a manner that I think has seldom been equalled in what was said to a criminal of the worst kind when he stood before the court for sentence.

That, as I viewed it, demonstrated to me that the whole proceeding had been carried on in an arbitrary spirit. It was a hearing in form only and, I think, emphasizes the necessity of putting something of this kind in now that we are clearly put on notice that the court claims that power or is likely to claim it.

I'd like to add this admonition, fellow delegates, we cannot afford to have the word go out or the impression go out to the

people of the state of Michigan that this constitution which we are attempting to hammer out, especially this judicial article, is being written by and for lawyers and judges.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Everett to the Donnelly-Leibbrand-McAllister amendment. On that amendment Mr. Martin seeks recognition.

MR. MARTIN: Mr. Chairman, I didn't expect to speak on this subject either but apparently the question is fairly squarely before us as to what the powers of the supreme court ought to be in matters of a kind where a judge does not or will not do what he is expected to do. I don't like to talk on the other side of the question from Judge Leibbrand and Judge Dehnke but I think it is necessary and desirable that the delegates, particularly those who are not lawyers, understand what the real problem was, particularly in the Huff case. As I understand the facts, it was an aggravated case. Surely no court is going to act on matters of this kind unless the case is extremely aggravated. It is my understanding that the problem was that decisions were not being made in that court and that they hadn't been made in that court on certain questions for a number of years and the complaints were so numerous and so strenuous from the bar and others and litigants who were entitled to have decisions made, that finally the supreme court acted to exercise its disciplinary powers. The question then is, what disciplinary powers should the court have? It is my understanding of the amendment here proposed that in effect it would strike out from the powers of the court any real power to exercise discipline within the court system.

CHAIRMAN VAN DUSEN: Mr. Martin, the question is the Everett amendment to the Donnelly-Leibbrand-McAllister amendment.

MR. MARTIN: I appreciate that. The Everett amendment is a clarifying amendment, I think, in that it makes it clear that the court would not exercise this power without proper due process, that is, without notice and hearing. I think it presents this problem clearly to the delegates. So the question then becomes this, can the court remove or suspend? And they are really 2 different questions. Perhaps the amendment should be divided and the delegates should vote on them separately. But the question is, should the court have the power to remove or suspend in a case where a judge simply will not do or is incapable of doing what he is supposed to do?

We had another case over in Mr. McAllister's district where, I understand, the judge was totally—and I mean totally—mentally incompetent for a period of 4 years and there was absolutely nothing apparently that could be done or that the court felt it wanted to exercise its authority to do to replace this judge. It was necessary to get other judges to come in and carry his load and nothing apparently was done or could be done.

This is the basic problem before the delegates and it is one on which there are clearly differing views and views of distinguished attorneys on both sides. But the amendment would strike out—Mr. Everett's amendment would clarify this question and the amendment if ultimately voted down would clearly say that the court had no ultimate authority to even investigate these matters and certainly not to either suspend or remove.

It seems to me that Mr. Everett's amendment should be approved and then that the question should be divided on the matter of suspension or removal.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Everett to the minority report amendment. The Chair recognizes that there are other speakers, but wants you all to understand what is before us. To add the words "except after appropriate notice and hearing" and on that amendment the Chair recognizes Judge Dehnke.

MR. DEHNKE: I wanted to merely emphasize what has been discussed by other speakers, the right of anyone against whom a judgment of any kind is entered to an appeal. If a circuit judge acts in an arbitrary manner, the person injured by it has an appeal to the supreme court but, in such case as

Judge Huff's, there was no appeal, nothing he might say about the manner in which the investigation had been instituted and a hearing conducted that would give him any relief.

Throughout this discussion there have been indications and suggestions that the real reason for what happened in that case was something else, failure to make decisions. Oh, how much simpler it would have been for the court administrator to have filed a motion in the supreme court, reciting that there was neglect of duty in this respect and asking the court to make an appropriate order.

I think the basic question here is whether or not the court shall have that power under any circumstances or at all, power of removal, at least.

CHAIRMAN VAN DUSEN: The Chair will recognize Mr. Norris.

MR. NORRIS: Mr. Chairman, without getting into the question as to whether or not the superintending power includes the power of suspension or removal or ought to include the power of suspension or removal, it seems to me what we have here is a matter of whether or not civil rights are to be accorded to judges. And I would concur with the Everett amendment, that certainly before the supreme court proceeds with regard to a judge there ought to be fair notice and fair hearing, and that is what I understand to be the thrust of the amendment now before us, and I would concur in that. Certainly, the court ought to set an example for obedience to due process for following by all the rest of the citizens.

With regard to the main question as to whether or not the superintending power does include removal or suspension, that can then be decided when that comes. But I certainly would concur with the Everett amendment.

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

MR. McALLISTER: Mr. Everett, do I understand the meaning of your amendment to be that before removal or suspension, that the court should give the defendant a notice and an opportunity to be heard?

MR. EVERETT: Yes.

MR. McALLISTER: Isn't that inconsistent with your position this morning that the rule had no intention of removing or suspending a judge?

MR. EVERETT: I didn't take any such position this morning, Mr. McAllister. I'll tell you very frankly, I did not conceive that the language did what you said it should not do. When you brought it to our attention that it possibly had said that and you now wish to take the power away, I felt if the power was there it ought to remain there.

MR. McALLISTER: Your position is now then that the supreme court has the right to remove or suspend a judge? Is that right?

MR. EVERETT: I don't know whether they do or not, Mr. McAllister. But if they do—I don't honestly know whether they do or not.

MR. McALLISTER: Now, as a lawyer, do you feel that a man who is charged—let's say a judge is charged with some matter of personal practices or improper conduct of some kind, that the supreme court should have a right to remove or suspend that individual without a right to appeal from the supreme court's decision?

MR. EVERETT: As I said when I offered the amendment, I cannot conceive that the supreme court would deny him fair opportunity to be heard. If you think they might, this would prevent them from doing it. And I am certain, as an attorney, that they could not deny him a fair hearing and remove him from office and thus by-pass an appeal to the federal courts. If you think it takes this language to assure an appeal to the federal courts, then I say put it in, because he absolutely should have a right to know that his rights as an individual are fully protected. That's why I offered the amendment. I don't share your suspicions or fears, but let's remove them.

MR. McALLISTER: Let me ask this. Are you familiar with the fact that in the state of Michigan that a judicial office is not property and you cannot appeal, under the existing decisions, to a federal court?

MR. EVERETT: The provisions of due process which would be set forth here are provisions guaranteed to the citizens by the federal constitution. If they denied him those rights, if they didn't give him proper hearing, if they didn't give him proper notice, if they didn't conduct a fair hearing and properly so, he certainly would have a right of review in the federal courts.

MR. McALLISTER: What is your objection, Mr. Everett, to putting in these provisions so we will be sure that no man may be removed or suspended by the supreme court?

CHAIRMAN VAN DUSEN: Gentlemen, the Chair thinks the colloquy is wandering somewhat from the point and trusts you can bring yourselves back to it. On the Everett amendment the Chair recognizes Mr. Mahinske.

MR. MAHINSKE: Mr. Chairman, I oppose the amendment more strongly now since Mr. Everett just spoke, than I did 10 minutes ago, when I asked to be recognized. Mr. Everett says that under the present language, absent all the amendments proposed here, he does not know whether the supreme court has the power to remove a judge. Now, just by virtue of his amendment here, if it is adopted, we are clearly giving the supreme court the power to remove a judge. That is what I am definitely opposed to.

CHAIRMAN VAN DUSEN: The Chair finds we now have 2 laymen seeking the opportunity to clarify this matter, (laughter) the first of whom is Mr. Arthur Elliott, whom the Chair will now recognize.

MR. A. G. ELLIOTT: Ladies and gentlemen, lawyers, judges—help! (laughter)

CHAIRMAN VAN DUSEN: The Chair will recognize Mr. Garry Brown.

MR. G. E. BROWN: I am not sure, Mr. Chairman, when you said you saw there were 2 laymen waiting to be recognized if you were referring to me also, but I'd like to make it clear that the delegates will not be supporting a lay position; that I am also licensed to practice law in this state. I would like to only answer Mr. McAllister's remarks. First of all, I preface my remarks by saying, the very thing that my amendment was attempting to do is to not have this matter argued twice, which I am sure you can see is going to be done. We are now on the merits of whether or not the supreme court should have the right to remove, which I am sure will once again be raised in section h of Committee Proposal 96. But if we are going to argue anything twice, I guess we might as well argue this twice.

With respect to Mr. McAllister's remarks about the supreme court being prosecutor, judge, sentencing officer and everything else, I would like to point out to Mr. McAllister that the judges of the courts of record, of course, are the only elective officers in the state of Michigan that are not subject to recall. Now, whether or not this is a procedure which is more drastic than a recall action, which requires no misconduct whatsoever but can be merely done by the electorate, I can't believe that it is. If that is your argument—as I say, to get back to the basic question, however, I feel that we should be doing this in section h of Committee Proposal 96 rather than here in the first sentence of this section. I would suggest to the delegates that rather than debate it now and debate it again then, that we move on, that we vote on this amendment and vote on the minority amendment and move on with the work of the judicial article.

CHAIRMAN VAN DUSEN: Mr. Brown, the Chair did not doubt your professional status. The other layman appears farther down on the list. The Chair will next recognize Judge Mosier speaking on the Everett amendment.

MR. MOSIER: Mr. Chairman and fellow delegates, ordinarily in human life, when we make up our minds to go somewhere and do something for a purpose, we want to know what the purpose is and what we are going to accomplish by it. It therefore becomes necessary for us in the determination of this question to find out what we already have and whether what we already have is sufficient and if it is, let it alone. If it isn't sufficient, we can amend it.

There seems to be some doubt about the question of the authority of somebody to remove a judge. Now just look at

what our constitution today says—and I am referring to article IX, sections 1, 2, 4, 5 and 6, which provide for impeachment:

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

Then the next section says that

When an impeachment is directed, the house of representatives shall elect from its own body 3 members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

Now, section 4 says:

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

Then the next section says that—and this is important:

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

Then the next section:

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

Now, it is clear—it must be clear—that the legislature has the power to impeach a judge. The governor has the power to remove a judge for causes less than impeachment.

Now let's take the case of a judge, and we'll assume one who is real bad, who might be embezzling moneys while he is acting in a judicial way, and the supreme court, through its officer, the court administrator, should find out that he was doing these things, the court would refer that matter to either the legislature or to the governor. But it would seem to me that while these proceedings are going on, that certainly the supreme court should have the right to suspend that judge from operating as a judge and it seems to me that under all these amendments that we've got here, that that is the goal that this convention should arrive at.

It is my opinion that the supreme court should not have the ultimate power of removing a judge. I think that that removal should have the right of an appeal and that the court should be in a position to act as an appellate court and give that judge his right of appeal from the governor or from the legislature. But in the interim, during the time that the proceedings are going, it seems to me the supreme court should have the power to suspend. That means that he doesn't lose his office; he doesn't lose his status; only he is prevented from operating as a judge.

CHAIRMAN VAN DUSEN: The Chair will recognize the gentleman from Ludington, Mr. Plank.

MR. PLANK: I rise to a layman's privilege, I think. I feel that we laymen are being discriminated against. It seems like at least we should have a layman presiding over this session. (laughter)

CHAIRMAN VAN DUSEN: Mr. Plank, there are times when the Chair agrees with you; (laughter) but it would be cruel and unusual punishment. The Chair will recognize the gentleman from Pontiac, Mr. King for what is hoped might be the last word on this subject. (laughter)

MR. KING: I make no such guarantee, Mr. Chairman.
CHAIRMAN VAN DUSEN: You just happen to be the last one on the list at this point.

MR. KING: It seems to me, Mr. Chairman and fellow delegates, that the problem here is really whether or not we want an integrated court system. Yesterday it was decided by this body that the language, "The judicial power of the state is vested exclusively in one court of justice, . . ." was what we wanted to say. Now, this question of removal really should come up in Committee Proposal 96, but I guess there are

ome of us who can't wait. This is a lawyer's device, I might point out to the laymen. There are many lawyer's devices being used here. On this amendment, first of all it was stated that there wasn't notice of hearing. Well, this was kind of an emotional argument but it opened the door to let someone come in and tack on an amendment which obviously initiates what was already said. You have to get used to these devices. And I am not saying that in a derogatory manner. I know you've all heard the story about the fellow who went by the tombstone and it said, "Here lies a lawyer and an honest man." And the fellow commented, "How could they get 2 into such a small plot?" (laughter)

Obviously, these kind of remarks are to be expected. This is not an exact science. It never was meant to be, I am sure. The real problem in the world is whether we live by the force of law or by the law of force. It is my opinion that it is the legal profession that holds back that thin line which keeps civilization from being overrun by something far worse.

I would be hopeful that we could pass by this thing at the present time and discuss it where we ought to discuss it, in Committee Proposal 96. I personally think that that's the place where we really will have the argument and that's the place where we ought to have the argument. I urge that we let the committee language stand until we reach that point.

CHAIRMAN VAN DUSEN: The Chair begs the pardon of the lady from Highland Park for not having realized she was seeking recognition when he made the comment about Mr. King being the last speaker. The Chair will at this time recognize the lady from Highland Park, Miss Donnelly.

MISS DONNELLY: I requested it prior to that, Mr. Van Dusen, but I do forgive you. We lawyers are all naughty apparently here. I think, briefly, that some statements have been made which may confuse certain individuals. Mr. Martin said "clarify". If he meant by "clarify" not to improve what we mean here but to absolutely kill what we meant, that is true. As to vitiate, this is absolutely right, what Mr. King suggested, that it would kill it.

There is no question, in my opinion, but that Mr. Everett's amendment is to absolutely kill the meaning of the preceding section in our amendment. The meaning of the preceding section was very simple on its face. It means exactly what it says. This is the language that all, I think, can understand. And when we say we think the supreme court should not have the power to remove or suspend a judge, that is what it means. The supreme court is the highest court we have. This is the last spot than anybody can go to for relief. If you start at the supreme court, where do you go from there for relief?

I think an individual judge is entitled to be protected as he was originally in the 1908 constitution. Recent activities of the supreme court are beginning to chip away at what the 1908 constitution had. I think that we should preserve what protection the judges had under that constitution and not allow it to be removed and treated in the supreme court, and with less protection than the lowest criminal in this state has. We have provided an absolute right of appeal for a criminal, not leave or anything, to protect him. And now we are absolutely taking judges and giving them one hearing, and only one, if you would support Mr. Everett's amendment.

CHAIRMAN VAN DUSEN: Would Miss Donnelly yield to Mr. Mahinske?

MISS DONNELLY: Yes.

MR. MAHINSKE: I direct a parliamentary inquiry to the Chair here. I wonder if this is a proper amendment. It is completely in opposition to the intended thought of the amendment that it is amending.

CHAIRMAN VAN DUSEN: The Chair will rule that it is in order, Mr. Mahinske.

MR. MAHINSKE: Even though the adoption of this amendment would kill the amendment that it intends amending?

CHAIRMAN VAN DUSEN: The Chair will rule that the extinction of the amendment is performed so subtly that the amendment is in order. It isn't the precise reverse. And the Chair will recognize Mr. McAllister.

MR. McALLISTER: I certainly don't like to take this time but I deem it is absolutely necessary. The supreme court can only be removed by impeachment proceedings. I don't think the circuit court should be a second class citizen.

Mr. King talked here about that this wasn't the proper place for the amendment. We are talking about superintending control and 16 days ago the attorney for the court administrator said that the supreme court had unlimited control under that superintending control power. So this is definitely the proper place for this amendment.

Judge Mosier has raised a question as to how the court would be taken care of under circumstances that he presented. In the first place, if a man was guilty of embezzlement, he would be in jail. In the second place, under the powers the supreme court now has, they could assign another judge to his circuit and that judge would take care of the matter until the judge's problem was disposed of. So that the people are fully protected from any angle in event they cannot suspend the judge immediately.

CHAIRMAN VAN DUSEN: On the Everett amendment, the Chair will recognize Mr. Hubbs.

MR. HUBBS: Mr. Chairman and members of this delegation, I don't know what your count of laymen here is right now, but I hope there are a few left because I would like to talk to them briefly. Being one myself, I hesitated to come up at this moment to get into this discussion. I'd like to point out on Mr. Leibrand's yellow sheet here defending his position, the use of the phrase "tilting with windmills"; I may be in that position of tilting with windmills.

I would like to say, however, that the expression of a unified court system has led me to be concerned, particularly when it says in the opening section of the judiciary article that the judicial power is vested in the supreme court. It seems to me that now they would like to also have the police power and I don't think that the police power rightfully belongs to them. I might be slightly in error but I don't think that is correct.

Judge Mosier's remarks have particularly impressed me with a solution to this problem. I think that as a layman I will support the Leibrand-Donnelly amendment and that I will vote against Mr. Everett's amendment because as we all know, it completely eliminates the effectiveness of the Leibrand-Donnelly amendment. I would support the Leibrand-Donnelly amendment and suggest that all of the processes that Judge Mosier outlined in the constitution are sufficient to take care of the judges who do not do their duty in the way that they should do it, and that the supreme court should not have the authority to arbitrarily remove a judge. And I hope that there are enough lay people here that they will now look at it in this way and maybe we can get moving. Thank you.

CHAIRMAN VAN DUSEN: On the Everett amendment, the Chair will recognize Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I've been waiting for some of the distinguished speakers to respond to Mr. Elliott's appeal for help. I think probably there are many laymen in that position. We lawyers unfortunately spend half of our time talking to each other. The question, it seems to me, is an extremely simple one. On line 22, page 1, the statement starts, "The supreme court shall have: a general superintending control over all courts. . . ." That's all that is involved. The problem, of course, is complicated by the fact that what the language means depends upon the supreme court, who finally determines what the constitutional language means. In other words, left as it is, it means whatever the supreme court says it means. And what has complicated this matter is that in recent years, the supreme court has interpreted that language to mean that they have complete control over the actions or failure to act of all judges, not only the Huff case, but recently a few probate judges. And of course, the Donnelly-Leibrand amendment would say that they have such superintending control except that they might not suspend or dismiss — in other words, get rid of — a circuit judge that was elected by the people of his circuit. That in essence, I believe, is the argument that we are faced with.

The pending matter is that the supreme court might suspend this judge only after a hearing. Of course, again, whether or not this was an adequate hearing would depend upon the supreme court itself and that we have at least one instance where I think most of us feel the hearing was far from adequate. I hope that tends to clarify the issue to some extent.

CHAIRMAN VAN DUSEN: On the Everett amendment the Chair will recognize Judge Gadola.

MR. GADOLA: Mr. Chairman, members of the committee, there, of course, has been too much said already. However, I believe that some of us should come to the defense of one man who has been maligned here continuously. No evidence here has been introduced as to any nefarious activities of that circuit judge that was before the supreme court. There are 6 judges sitting here that operated under the system that we had when we had a Michigan presiding circuit judge. We operated very, very well under that procedure. I have sat in court in pretty near every circuit in this state and so have the rest of these judges here. Month after month I've sat in court in Detroit, in traffic court, and in the circuit court there, and all the rest of these judges have. We never had any difficulty. If we didn't want to go when the presiding judge called us up and asked us if we could accept the job of going to some other circuit, we said no, we don't feel we want to go now. There wasn't any question about citing us anywhere. They merely called another judge and he came in, and then they got this administrator job here.

And the thing that I deplore today, the attack upon one circuit judge, an outstanding and a fine individual, that's been done here. And I hope that the people here are not really amenable to the law of slander. For the simple reason that if the supreme court believes in using a subterfuge to punish a man, then they are violating every right of every individual in this country.

When a man is charged with a crime, the law provides that he must be told minutely of what the charge is. When you go into civil court, you must file your pleadings to absolutely state your cause of action. This man here wasn't charged with the things that they are telling about him here. He was charged with refusing to obey the order of the supreme court to go to another circuit. That's all. And no one, in all the years that we have had this process of serving in the other circuits was anyone ever even reprimanded when he didn't accept the assignment that was given to him.

As I say, I served in Ontonagon; I served in Monroe; and that's just as far as I can go either north or south, I think, and I had no difficulty.

Something has been said about one judge that for 4 years was unable to sit. I sat in his court in Sandusky for months at a time to clear up the docket for him because of the fact that we knew that he needed the compensation that was paid to him and we substituted for him and took care of his court. Many judges refused to go there. When I went there, they asked me if I would only stay to clear up the entire docket, and I did for months, driving back and forth 100 miles a day from Flint, to take care of his court. So let's don't malign an individual. Let's not let the record show here that matter and don't let anyone say that the court hasn't changed because we operated under the old supreme court.

And you know, a peculiar thing occurred in a case of mine that went to the supreme court a short time ago and the opinion was written by one Justice Edwards, who has now left the court, and in reversing my decision—because I found the prior decision of the supreme court—he said the thinking of the court hasn't changed; it's the personnel. Remember that, all of you. (applause)

CHAIRMAN VAN DUSEN: We have one more speaker seeking recognition on the Everett amendment, Mrs. Conklin.

MRS. CONKLIN: I'm not going to speak. I want to ask a question. I'd like to ask a question of 2 people. I think Mr. Habermehl first touched on it lightly so I'd like to ask Mr. Habermehl if he'd answer me, who determines what is an appropriate notice and hearing?

CHAIRMAN VAN DUSEN: Mr. Habermehl, does the gentleman care to answer?

MR. HABERMEHL: Of course, Mr. Chairman. Mrs. Conklin, the supreme court is the final court of last resort in the state. They will make the determination of whether or not the hearing was adequate. But the fact that they conduct the hearing also may slightly prejudice their judgment.

CHAIRMAN VAN DUSEN: Mrs. Conklin, have you a further question?

MRS. CONKLIN: I got the answer I wanted.

CHAIRMAN VAN DUSEN: The question is on the Everett amendment to the minority report amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. The secretary will read the Everett amendment.

SECRETARY CHASE: The Everett amendment is:

[The amendment was again read by the secretary. For text, see above, page 1280].

CHAIRMAN VAN DUSEN: Judge Leibrand.

MR. LEIBRAND: Do you have a bell?

CHAIRMAN VAN DUSEN: The secretary will ring the bell. No division has been requested, Judge Leibrand. Did you request a division? There has been none requested so far.

MR. LEIBRAND: Yes.

CHAIRMAN VAN DUSEN: Judge Leibrand requests a division. Is the demand supported? It is supported. The secretary will ring the bell. Those in favor of the Everett amendment to the minority report amendment offered by Miss Donnelly, Messrs. Leibrand and McAllister 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 amendment offered by Mr. Everett, the yeas are 17; the nays are 79.

CHAIRMAN VAN DUSEN: The amendment to the amendment is not adopted. The secretary, I believe, has a further amendment to the amendment.

SECRETARY CHASE: Mr. Mahinske offers the following amendment to the amendment:

1. Amend the amendment by adding a new paragraph at the end thereof to read as follows:

"This section shall in no way be construed as to prohibit the said court from investigating complaints against judges and making recommendations thereon to the proper authorities."

CHAIRMAN VAN DUSEN: On the amendment offered by Mr. Mahinske, the Chair will recognize Mr. Mahinske and the Chair will respectfully request all speakers to confine themselves very closely to the subject at hand. Mr. Mahinske.

MR. MAHINSKE: This amendment simply goes back an hour and a half and puts in writing what Judge Leibrand and Judge McAllister maintained that their thoughts were here, that they were not depriving the court of its power to investigate and make recommendations. So we are simply spelling out the fact that the court cannot remove or suspend judges but at the same time they do have the power to investigate complaints pertaining to judges.

CHAIRMAN VAN DUSEN: On the amendment, Judge Leibrand, do you seek recognition?

JUDGE LEIBRAND: Not at this time, Mr. Chairman.

CHAIRMAN VAN DUSEN: Mr. McAllister.

MR. McALLISTER: No.

CHAIRMAN VAN DUSEN: Mrs. Conklin.

MRS. CONKLIN: I'm sorry but I don't now understand who are the proper authorities, Mr. Mahinske.

CHAIRMAN VAN DUSEN: Does the gentleman care to answer, Mr. Mahinske?

MR. MAHINSKE: In the impeachment article we have set up various forms of impeachments and so forth, plus section e that says, "Any officer elected by a county, city, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law, . . ." now, whichever authority as shall be prescribed by law or back to the house or senate or to the governor, as under Committee Proposal 96, section h.

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

MR. DANHOF: Mr. Chairman, I would respectfully oppose the amendment to the amendment, and the amendment. Again, we are trying to write the language. If we will go back—as the committee did, when it went over this and over this, we will leave it alone. If you want to take up the power of removal when we get to section h of Committee Proposal 96, that's the time to write it in. I respectfully urge that the amendment to the amendment be defeated and that we defeat the amendment so that we can pass this section. We've had all the debate and we can get the committee up to where we can get through this.

CHAIRMAN VAN DUSEN: Mr. Mahinske, do you desire recognition further on your amendment?

MR. MAHINSKE: No. I'll yield to any other—

CHAIRMAN VAN DUSEN: Mr. McAllister, do you desire to be recognized at this time?

MR. McALLISTER: No.

CHAIRMAN VAN DUSEN: The question is on the amendment to the amendment offered by Mr. Mahinske, which the secretary will read. Excuse me, Mr. Ford.

MR. FORD: I wish to support the amendment, but with the express understanding that I will then vote no against the amendment as amended. (laughter)

CHAIRMAN VAN DUSEN: Do you seek recognition at this time, Mr. Mahinske?

MR. MAHINSKE: No, sir.

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

SECRETARY CHASE: Mr. Mahinske's amendment is:

[The amendment to the amendment was again read by the secretary. For text, see above, page 1284.]

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

The amendment to the amendment is not adopted. Mr. Secretary, have you another amendment?

SECRETARY CHASE: Mr. Bonisteel offers the following amendment:

1. Amend the amendment after "to remove" by striking out "or suspend"; so that the proviso would read, "it being provided that the supreme court shall not have the power to remove a judge."

CHAIRMAN VAN DUSEN: On the amendment offered by Mr. Bonisteel to the Donnelly-Leibbrand-McAllister amendment, the Chair will recognize Mr. Bonisteel if you seek recognition on the amendment. Mr. Bonisteel does not seek recognition. Judge Leibbrand.

MR. LEIBRAND: I would suggest that in the present form the minority would oppose the amendment. The word "suspension" has no definite term. There is nothing there to prevent the supreme court, if it desires to suspend for a year, 2 years, or for the rest of the term of the judge involved, and I don't think we want to muddy the waters any more. So I would object to the amendment in the present form.

CHAIRMAN VAN DUSEN: On the amendment offered by Mr. Bonisteel, the Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, if we've got to have an amendment at all, I think we should support the amendment which strikes the words "or suspend".

I really support the committee proposal, but if you feel that you have got to support the amendment to delete the power to remove, then I urge that you support this amendment in the event the original amendment is carried because regardless of what all of the judges here have said, we have rights involved not only of judges sitting in court, but there are rights of people who come before those judges. And in the event that you have a situation develop where the supreme court does not have this power to suspend, there may be an interval or a period of time in which the rights of children coming before a probate court or the rights of people and property may come before a court, cases in which the fact that mental competency may not be so extreme that the man is flat on

his back in bed. There are many other situations which may not involve impeachment—and by the way, I would like to state that the power of the governor to remove for cause for less than impeachment is subject to 2/3 resolution of the legislature; it is not a simple thing—while I basically support the committee, if we've got to have this amendment at all and raise this problem, then I urge that you strike the words "or suspend".

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Bonisteel to strike the words "or suspend" so that the language of the minority amendment proviso would then read, "provided the supreme court shall not have the power to remove a judge." On this question, Mr. Ford.

MR. FORD: I think we are back around to the explanation that Bill Hanna gave so well a little while ago. This would result in impeachment in one fashion, removal by concurrence of the governor and the legislature and possible suspension by the court.

There are circumstances, Mr. Higgs has indicated, where it might be in the best interests of the public to temporarily suspend the powers of the judge to continue acting on the bench. There is some fear that the amendment presented by the minority with the word "suspend" in it might prevent the court from even issuing an order, restraining the lower court from continuing to act in a manner that is inimical to the best interests of the public. This would leave in the protection which I think Mr. McAllister wanted. It makes it clear that the supreme court can't on its own remove a judge from office, but wouldn't impair the ability of the supreme court to temporarily suspend his powers.

I think Mr. Bonisteel has finally come up with an answer that should satisfy everybody in this matter.

CHAIRMAN VAN DUSEN: On the Bonisteel amendment, the Chair will recognize Mr. McAllister.

MR. McALLISTER: Mr. Chairman, Mr. Ford, I think what I said previously that if a judge is incompetent, another judge can be assigned to his circuit until the regular process of the law is followed. If he violates the supreme court's order he can be cited for contempt. So we have nothing to worry about insofar as the short delay between the time he becomes incompetent and impeachment proceedings or removal proceedings can be commenced. As soon as they are commenced he is automatically suspended and I think when you leave out the word "suspend" it is just almost as detrimental to the judge as to remove him.

I would also like a division on this matter.

CHAIRMAN VAN DUSEN: Mr. McAllister requests a division. Is the request for a division supported? It is supported. The Chair recognizes Mr. King.

MR. KING: Would Mr. McAllister yield to a question?

CHAIRMAN VAN DUSEN: The Chair thinks Mr. McAllister yielded the floor.

MR. KING: I would direct a question to him if he would care to answer it. I am a little bit confused about the statement that you just made. Are you indicating that if a judge is incompetent but physically capable of arriving at the courthouse at 9:00 in the morning, that someone else can be assigned to take his place?

MR. McALLISTER: Judge Huff, whom we were talking about, was capable, had business to do, was ordered assigned. There was nothing wrong with him either mentally or physically. He was ordered assigned to Detroit. He didn't go. He was fined for contempt of court. There would be no difficulty insofar as assigning a judge there to take the place of the judge who was in trouble until the matter was resolved.

MR. KING: Mr. Chairman, Mr. McAllister, I think you misunderstood my question or I misunderstood the answer as suggested by the distinguished Mr. Boothby. My question relates to the incapacity of the man whom the supreme court does not want to sit. Now, if he is able—although perhaps mentally incapacitated—if he is able to show up at the courthouse, how does the supreme court come by its authority to send somebody else in there and sit on his lap or sit beside him?

MR. McALLISTER: I say that Judge Huff was mentally and physically competent. He was ordered to Detroit. They sent another judge in to take his place and he wouldn't give up. So then the supreme court cited him for contempt and took care of him.

MR. KING: And this language would not in any way affect that procedure?

MR. McALLISTER: No. It doesn't affect that right in any particular.

MR. KING: I won't comment on the answer. I yield.

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

MR. DANHOF: Mr. Chairman, personally I find myself in the middle, as Mr. Higgs pointed out. If we have to have it, certainly I would support the amendment to strike the words, "or suspend." Therefore, I still am of the position that the amendment in toto should be defeated, but on this item, this language should certainly be deleted.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Bonisteel to strike the words "or suspend" from the minority amendment. Is there any request for further reading? If not, those in favor of the amendment to the amendment will say aye. Those opposed will say no. Excuse me, a division had been requested several speakers back. The Chair apologizes for forgetting. Those in favor of the amendment to 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 amendment offered by Mr. Bonisteel, the yeas are 56; the nays are 38.

CHAIRMAN VAN DUSEN: The amendment to the amendment is adopted and the question is now upon the minority report amendment, as amended, offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. When last we were on the main question, the Chair had listed the following speakers seeking recognition: Mr. Bledsoe, Mr. Brake, Mr. McAllister, Mr. Rajkovich, Mr. Bonisteel, Mr. Tubbs and Mr. Mahinske. I will ask at this point if any of those gentlemen still desires recognition on the question. Mr. Mahinske.

MR. MAHINSKE: I would like to ask the proponents of this amendment, as amended, if it is still their intention that the supreme court have the power to investigate complaints in other areas of justice.

CHAIRMAN VAN DUSEN: Judge Leibrand.

MR. MAHINSKE: I am talking about your amendment as amended now, if this has changed your intent any.

MR. LEIBRAND: Mr. Chairman, in answer to Delegate Mahinske, it hasn't changed our intent in the slightest. We still believe that the supreme court has and should have the power to make investigations and recommendations.

MR. MAHINSKE: Thank you.

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: I would simply urge that again the committee went over this. I still believe the language as we had it in 1908 is correct. I would urge the defeat of the amendment.

CHAIRMAN VAN DUSEN: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. Chairman, I'd like to direct a question to Delegate McAllister, if he cares to answer.

CHAIRMAN VAN DUSEN: If the gentleman cares to answer. You may proceed, Mr. Higgs.

MR. HIGGS: To follow the question put to Delegate Leibrand, I'd like to ask that assuming the supreme court made an investigation, held a hearing and made a recommendation to the legislature requesting an impeachment, is it your opinion that the supreme court would then be in a position to review an impeachment which was determined by the legislature?

MR. McALLISTER: No, it would not be my position that if they made a recommendation and had a hearing and made a determination, they are predetermining the man's guilt.

MR. HIGGS: In other words, if the supreme court in any way participated in bringing about the impeachment, it would be your opinion that they would not be impartial and that they could not properly review that determination; is that right?

MR. McALLISTER: No, that isn't my answer. My answer is that it would certainly be their duty to report anything that came to their attention to the proper authorities, the legislature or the governor. No, I don't think that they should predetermine the man's guilt.

MR. HIGGS: Mr. Chairman and fellow delegates, I think this brings us back again to some of the problems that bothered the committee. Now I feel compelled to vote against the amendment, although if we have to have it, it is in better form than it was. In the committee many problems arose. I had really hoped that Mr. McAllister and Mr. Leibrand before second reading would have come up with a better solution to this problem than they have. It seems to me there may be a positive way to do this; but I don't think this is it. There are just too many questions that arise with regard to the rights of the court and the legislature in this particular situation.

CHAIRMAN VAN DUSEN: Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, I urge a yes vote and request a division.

CHAIRMAN VAN DUSEN: Mr. Boothby requests a division. Is the demand supported? It is supported. The Chair recognizes Mr. Hodges.

MR. HODGES: I would like at this time to address a question to Mr. McAllister. I don't want to be redundant, but in the colloquy between Mr. Ford and Mr. McAllister it was pointed out that Mr. McAllister did not feel that if the court didn't have the power to investigate and have hearings, that they should not have the power to make recommendations. I think on this, this is the whole heart of the question and would determine in many of our minds how we would vote on this. Personally, I am in favor of the amendment if the court would have that power. I would just ask Mr. McAllister if his answer is the same, that the supreme court would not have the power to make recommendations.

CHAIRMAN VAN DUSEN: Mr. McAllister.

MR. McALLISTER: Mr. Hodges, I don't believe that I ever said at any time that I thought the supreme court had a right to have a hearing on the matter. My thought was, and I think any court—if something comes to their attention or anyone came to their attention and indicated some improper conduct on the part of the court—that it should be reported to the governor or legislature. But I don't think that the supreme court should have a right to have a hearing on it and make a recommendation because under the procedure, ordinarily the legislature handles this and the supreme court could determine whether the legislature had made an error.

CHAIRMAN VAN DUSEN: The Chair recognizes Mr. Krolkowski.

MR. KROLIKOWSKI: Mr. Chairman, I should like to direct a question to Delegate Donnelly.

CHAIRMAN VAN DUSEN: If the lady cares to answer.

MR. KROLIKOWSKI: Miss Donnelly, in order to understand the procedure at this juncture, in view of the adoption of the Bonisteel amendment, is it correct that the supreme court could proceed to suspend a justice and that unless your amendment is adopted, the supreme court can proceed to suspend a justice?

MISS DONNELLY: In my opinion, the answer would be yes.

MR. KROLIKOWSKI: Now, is there any time limitation with respect to the suspension?

MISS DONNELLY: In my opinion, no.

MR. KROLIKOWSKI: In other words, the suspension could be tantamount to a removal?

MISS DONNELLY: In my opinion, yes.

MR. KROLIKOWSKI: In other words, it is necessary that your amendment be adopted?

MISS DONNELLY: Yes.

MR. KROLIKOWSKI: Thank you.

CHAIRMAN VAN DUSEN: Mr. Hodges, do you seek recognition at this time?

MR. HODGES: Mr. Chairman, I have an amendment to the amendment on the secretary's desk. I request it be read.

CHAIRMAN VAN DUSEN: The secretary will read the amendment.

SECRETARY CHASE: Messrs. Hodges and Mahinske offer the following amendment to the amendment:

1. Amend the amendment by adding a new paragraph at the end thereof to read as follows:

"This section shall in no way be construed as to prohibit the said court from investigating complaints against judges and making recommendations thereon to the proper authorities."

CHAIRMAN VAN DUSEN: The Chair will rule that that is the identical amendment previously offered by Mr. Mahinske and is therefore out of order.

MR. HODGES: Mr. Chairman, point of information. This was the amendment offered to the amendment before it was amended. At this time I think it would change the minds of many of us on how we vote on this. I, for one, was against the Mahinske amendment before because I too thought that the court should have the power to suspend but not the power to remove. But I did feel that the court should have the power to investigate and make recommendations to the proper body. For that reason, I would believe the amendment would be in order at this time.

CHAIRMAN VAN DUSEN: Mr. Hodges, the Chair will still rule that the amendment is not in order at this time. Mr. Mahinske.

MR. MAHINSKE: But this is an amendment to a different proposition than it was submitted to previously.

CHAIRMAN VAN DUSEN: Mr. Mahinske, the Chair will rule that the amendment adopted by the committee of the whole, proposed by Mr. Bonisteel, does not sufficiently change the basic amendment to make your amendment any different than it was at the time it was previously offered. It was offered and defeated. The Chair will rule it is out of order.

MR. MAHINSKE: Is the Chair ruling then there is no difference between removal and suspension?

CHAIRMAN VAN DUSEN: The Chair is not so ruling.

MR. MAHINSKE: Mr. Chairman, I appeal the decision of the Chair.

CHAIRMAN VAN DUSEN: The question is on sustaining the ruling of the Chair. Those who wish to sustain the ruling of the Chair that the amendment is out of order will say aye. Those opposed will say no.

The ruling of the Chair is sustained. The question now is on the Donnelly-Leibbrand-McAllister amendment, as amended. Mr. Barthwell.

MR. BARTHWELL: I just merely want to find out the difference between a hearing and an investigation because I'm a little bit confused now. I think Mr. McAllister said he would be willing for the court to investigate, but if they had a hearing and made recommendations, he couldn't agree that they would have this right. I think that's what he said.

CHAIRMAN VAN DUSEN: Mr. Barthwell directs a question to Mr. McAllister, if the gentleman cares to answer it.

MR. McALLISTER: My interpretation of that is to investigate the charges and report what they find to the proper authorities. A hearing would contemplate witnesses and cross examination of the witnesses and a determination of the man's innocence or guilt.

CHAIRMAN VAN DUSEN: The question is now upon the amendment offered by Miss Donnelly and others. Mr. Young.

MR. YOUNG: Mr. Chairman, I'd like to state that the Chair just made up my mind. By being the judge on his own decision he convinced me the supreme court should not have that right.

CHAIRMAN VAN DUSEN: The question is upon the amendment, as amended, offered by Miss Donnelly and Messrs. Leibbrand and McAllister. A division has been requested and the demand was supported. Those in favor of the amendment, as amended, will vote aye. Those opposed will vote no.

In response to a question from Mr. Bonisteel, the question is on the main amendment, as amended. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment, as amended, the yeas are 54; the nays are 47.

CHAIRMAN VAN DUSEN: The amendment, as amended, is adopted. Are there any further amendments to section c, Mr. Secretary?

SECRETARY CHASE: There are no other amendments offered to this section.

CHAIRMAN VAN DUSEN: There being no further amendments, the section will pass.

Section c, as amended, is passed.

Mr. Danhof.

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

CHAIRMAN VAN DUSEN: Mr. Danhof moves the committee do now rise. Those in favor will say aye. Opposed, no. The motion prevails and the committee will rise.

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

VICE PRESIDENT HUTCHINSON: The convention will be in order. The Chair recognizes the delegate from Oakland, Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: Thank you.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 91**, A proposal pertaining to the supreme court; it has considered several amendments thereto; has come to no final resolution thereon.

VICE PRESIDENT HUTCHINSON: Announcements.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Without objection, we will return to the order of **motions and resolutions**.

SECRETARY CHASE: Messrs. Tubbs and Romney offer **Resolution 79**, A resolution to provide for a recess during the week of April 16.

Following is Resolution 79 as offered:

Whereas, Members of this convention have for many weeks, planned activities outside the city of Lansing during the week of April 16, including trips abroad, honeymoons, etc.; now therefore be it

Resolved, That this convention take a recess from all activities from April 16 to 21, or, in the alternative, that the signers of this resolution be granted leaves of absence.

VICE PRESIDENT HUTCHINSON: Referred to the committee on rules and resolutions.

SECRETARY CHASE: I have the following requests for leave of absence: Mr. Seyferth requests permission to be absent from the afternoon session of next Monday. Mr. Hutchinson requests to be excused from the session of Monday. Mr. Lawrence requests leave from Monday's session; and Mr. Heideman and Mr. Spitler make like requests.

VICE PRESIDENT HUTCHINSON: Without objection, the several requests will be granted. The Chair hears no objection. It is so ordered.

SECRETARY CHASE: Those are all of the announcements, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the pleasure of the convention? The Chair recognizes the gentleman from the twenty-fourth district, Judge Leibbrand.

MR. LEIBRAND: I move, after a hard and strenuous day, we adjourn.

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

The motion prevails. The convention is adjourned until 4:00 o'clock p.m. Monday.

[Whereupon, at 4:00 o'clock p.m., the convention adjourned until 4:00 o'clock p.m., Monday, February 26, 1962.]

Sec. c. The jurisdiction of the court of appeals shall be prescribed by law and the practice and procedure therein shall be as provided by supreme court rule.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 91**, A proposal pertaining to the supreme court. The committee of the whole reports the proposal back to the convention with several amendments thereto, recommending that the amendments be agreed to and the proposal as thus amended be adopted.

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

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the section and inserting "The supreme court shall consist of 9 justices to be elected on a nonpartisan statewide basis. The term of office shall be for 8 years and not more than 3 terms of office shall expire at the same time. Each political party at party convention may nominate 1 candidate for election for each position to be filled. Any incumbent justice whose term is to expire may become a candidate for reelection by filing an affidavit of candidacy, in the form and manner as prescribed by law, not less than 180 days prior to the expiration of his term. Any person otherwise qualified to be a supreme court justice may become a candidate for election upon filing a nominating petition, in the form and manner prescribed by law, signed by qualified electors of this state in a number equal to 3 per cent of the total vote cast for the office of governor at the last previous election."
2. Amend page 1, line 14, after "assistants" by inserting "of the supreme court".
3. Amend page 1, line 16, after "shall" by striking out the balance of the section and inserting "perform such administrative duties as may be assigned by the court."
4. Amend page 2, line 3, after "rule" by changing the period to a comma and inserting "it being provided that the supreme court shall not have the power to remove a judge."
5. Amend page 2, line 11, after "decision" by inserting "and reasons for each denial of leave to appeal".
6. Amend page 2, line 15, after "control of" by inserting "the preparation of its budget recommendations and".
7. Amend page 2, line 21, after "fund.", by striking out "No justice of the supreme court" and inserting "Neither the supreme court nor any justice thereof".
8. Amend page 2, line 25, by striking out all of section g.]

The first amendment is the amendment offered by Mr. Danhof:

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

PRESIDENT NISBET: The question is on the amendment of Mr. Danhof. Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I would like to move that this question be divided, and that section a and section g each be voted on separately.

PRESIDENT NISBET: Mr. Boothby, the Chair is informed that's going to be done anyway the way they are being read to the convention. The question is on the Danhof amendment.

DELEGATES: Division.

PRESIDENT NISBET: A division has been asked for. Is the demand seconded? There is a sufficient number up. Those in favor of the Danhof amendment—Mr. Habermehl.

MR. HABERMEHL: Mr. President, I believe that I must rise to oppose the Danhof amendment. I believe that what has happened is just what I spoke to last night. I believe if we adopt this amendment that we really will have something to explain to our constituents.

Prior to the convening of this convention I'm sure each one of us was aware of the criticism that was directed toward the present method of selection of the supreme court. Every

organization, every group, the press, practically unanimously, ridiculed the fiction of maintaining a partisan nomination and a nonpartisan election of supreme court justices. All of the argument that we heard from any of the organizations particularly interested in the convening of this convention was directed to this matter. So we maintain the partisan nomination of supreme court justices. All of the argument that we heard directed here on the floor to the statewide campaign that a supreme court justice must make, the expensive campaign, the obligation that that candidate may incur which may affect his judicial decisions, because of the necessity of getting support from organized groups in order to hope to be elected, apparently is to no avail. We maintain a statewide nonpartisan election of justices.

We have added a few interesting complications. We now would permit the incumbent justice, regardless of what his politics might be or how he was originally elected, to nominate himself; and he would bear the designation on the ballot of supreme court justice. Both parties could then nominate another candidate—and this is not at all inconceivable, contrary to what Mr. Danhof says. I can think of one instance right now where it could happen. We would have at least 3 candidates then—not for nomination, but for election. In addition to that, any lawyer that might want to brag at some time that he was a candidate for supreme court justice could arrange to nominate himself by circulating petitions. The vote that the people of the state would have then on the election of this justice would be 1 vote only, the final election. If we had more than 2 candidates, a minority of the people of the state would elect the supreme court justice. That minority could in some instances be as low as 25 per cent of the people of the state who would elect the justice.

Now, what sort of effect would that have upon the incumbent justice? His party, by threatening to withhold the party nomination, could certainly affect his decisions while he was on the bench. It would be a most effective threat.

If we aren't going to pay any attention to the public opinion that has been expressed upon this question, I would direct the attention of every delegate to a preconvention poll that each one of you filled out and sent back in. At least, a majority of you did so. In that, by a great majority, these same criticisms were voiced by you as individual delegates. So now are we going to reverse our own thinking, even if we pay no attention to public opinion?

If you cannot buy this present amendment, if you do not believe that this is the proper method of selection of supreme court justices, regardless of what plan you might favor, you would in all conscience be compelled to vote against concurrence in this amendment. For if you concur in this amendment, you have locked it in so far as this reading is concerned and the matter will be referred to style and drafting. If you are not convinced then that this is the best method of selecting supreme court justices, I strongly urge you vote no on concurrence with this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, members of the convention, we are asked here to vote against what the committee adopted, but we are not given something better to put in its place. It seems apparent that this is designed to get us back by non-concurrence with the amendments of the committee of the whole to the district plan. I urge you to vote for the committee of the whole's amendment, and I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays are demanded. Is the demand seconded? There is a sufficient number up. Judge Leibrand.

MR. LEIBRAND: Mr. President, a parliamentary inquiry. If we do not concur in the recommendation of the committee of the whole by voting nay, then as I understand it we are left with section a of the original committee report, is that correct?

PRESIDENT NISBET: That is correct. Mr. Brown.

MR. G. E. BROWN: Mr. President, I would merely join the others that have spoken and urge nonconcurrence in the committee report and a nay vote on this proposition.

PRESIDENT NISBET: The question is on the amendment. Mr. Danhof.

MR. DANHOF: Mr. President, members of the convention, I think again the issue is squarely before us. Mr. Wanger has stated it very succinctly, very quickly, and so will I. I am not sure that the amendment we adopted in the committee of the whole is the ultimate answer. But a vote of nonconcurrence will in effect leave you basically with nothing, unless you go back to the district plan in section g. We have heard all of the arguments pro and con for not 1 day, but at least 4. We know everything about all plans—appointive, elected, by any means or methods whatsoever. I would urge that we vote concurrence in the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Young.

MR. YOUNG: I have a point of parliamentary inquiry. Judge Leibrand says that a vote nay on the present question would take us back to section a. I would like to know if section a as proposed by the committee is in fact the district plan.

DELEGATES: No. No.

MR. YOUNG: Well, what is it?

PRESIDENT NISBET: Section a is Committee Proposal 91, Mr. Young. The Chair recognizes Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I would urge a no vote, for about the same reason as Delegate Wanger urged a yes vote. That is, he said if we throw this out we are right back to what the committee reported, which I think is where the majority of us want to be. Because if we have section a, then we set the stage for section g, which is the district plan. Now, on every vote that has been taken there have been more of us that wanted the district plan—and when I say “us,” I say that advisedly, reading between the lines—than on any other plan that has been offered. And yet we have come short of getting it into actual operation. I think the very simple thing now is to vote no on the amendments that were made to section a and to section g, and then we will have what the majority of us have wanted, which is the district plan. I certainly would urge that we vote no on the pending amendment to section a.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: Mr. President, members of the convention, I have been brought somewhat reluctantly around to the position where it would leave no doubt in anyone's mind. I would urge wholeheartedly that we vote in favor of the committee of the whole's recommendation, affirming its action. I have already stated my fears and doubt before, but I feel that this is the best alternative that has been offered and the best way to resolve the problem.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, 2 parliamentary inquiries. One, section a provides simply for a supreme court. Is that correct? A vote of nonconcurrence would leave section a as reported by the committee intact?

PRESIDENT NISBET: That is correct.

MR. HABERMEHL: The second question, if this amendment is not concurred in, is the committee proposal subject to further amendments?

PRESIDENT NISBET: Surely.

MR. HABERMEHL: Then this could not possibly have the effect that Mr. Wanger said.

PRESIDENT NISBET: Mr. Wanger?

MR. WANGER: Mr. President, I don't wish to abuse the privilege of speaking before the convention, which is only once, so I will pass.

PRESIDENT NISBET: Miss Donnelly.

MISS DONNELLY: I would like to support and urge that all support the committee proposal, section a, as amended by Mr. Danhof, after many hours of great work. To say that we do not concur will leave section a as it is, and then will get us eventually to section g as it is, which again will put you back to the district plan. Now, the issue is: do you want the district plan, more or less? And section a as written by this compromise under Mr. Danhof's name, with the support of numerous people in helping him draft it, is the best compro-

mise that this committee has been able to reach. I therefore urge that we support the committee of the whole, and I move the previous question.

MR. MAHINSKE: A parliamentary inquiry, Mr. President. **PRESIDENT NISBET:** Mr. Mahinske.

MR. MAHINSKE: There has been much talk here that if there is a no vote adopted on the recommendations of the committee of the whole, we will be back to section a as submitted by the committee. I don't know that this is exactly true, because certain amendments were adopted to section a as supported by the committee, and then the Danhof amendment was adopted as a substitute for section a, as amended. Now, if the vote, in essence, is against the Danhof amendment here, are we going back to section a as submitted by the committee, or as amended as submitted by the committee?

PRESIDENT NISBET: We are going back to the proposed section a as submitted by the committee on the green sheet. The previous question has been demanded. Mr. Farnsworth.

MR. FARNSWORTH: Point of information, Mr. President. I am somewhat confused. Isn't it true, Mr. Secretary, that it was the Ford amendment, which we will get to eventually, that kicked out section g, and isn't there confusion that exists here at the moment, and there are people on this floor perhaps that think by nonconcurrence in the committee report they will automatically have the district plan back in?

SECRETARY CHASE: The situation, as the secretary understands it, at present is this. We are voting now only upon the question of concurring in the recommendation of the committee of the whole to adopt the amendment which was adopted in committee of the whole this morning by a vote of 82 to 46. The question on concurring in the recommendation of the committee of the whole as to section g will come up later.

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

The previous question is ordered. The question is now on the Danhof amendment. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—72

Allen	Farnsworth	McLogan
Andrus, Miss	Faxon	Millard
Austin	Follo	Murphy
Baginski	Ford	Nisbet
Balcer	Garvin	Nord
Barthwell	Greene	Norris
Bentley	Gust	Ostrow
Binkowski	Hanna, W. F.	Page
Bledsoe	Hart, Miss	Perlich
Bonisteel	Hatch	Pollock
Brown, T. S.	Hatcher, Mrs.	Rajkovich
Buback	Hodges	Romney
Oudlip	Hood	Sablich
Cushman, Mrs.	Judd, Mrs.	Seyferth
Danhof	King	Snyder
Davis	Krolkowski	Staiger
Donnelly, Miss	Kuhn	Stamm
Doty, Dean	Lawrence	Stopczynski
Douglas	Lesinski	Suzore
Downs	Mahinske	Van Dusen
Durst	Marshall	Wanger
Elliott, A. G.	Martin	Wilkowski
Elliott, Mrs. Daisy	McCauley	Yeager
Everett	McGowan, Miss	Young

Nays—61

Anspach	Howes	Richards, J. B.
Batchelor	Hoxie	Richards, L. W.
Beamor	Hubbs	Rood
Blandford	Hutchinson	Rush
Boothby	Iverson	Shackleton
Brake	Karn	Shaffer
Brown, G. E.	Kirk, S.	Shanahan
Butler, Mrs.	Knirk, B.	Sharpe
Conklin, Mrs.	Koeze, Mrs.	Sleder
Dehnke	Leibrand	Spitler

Dell	Leppien	Stafseth
DeVries	Lundgren	Stevens
Erickson	McAllister	Thomson
Figy	Pellow	Tubbs
Finch	Perras	Turner
Gadola	Plank	Tweedie
Goebel	Powell	Upton
Gover	Prettie	White
Habermehl	Pugsley	Wood
Haskill	Radka	Woolfenden
Higgs		

SECRETARY CHASE: On the question of concurring in the amendment to section a, as recommended by the committee of the whole, the yeas are 72; the nays are 61.

PRESIDENT NISBET: The amendment is adopted. The next amendment.

SECRETARY CHASE: The next amendment recommended by the committee of the whole:

2. Amend page 1, line 14, after "assistants" by inserting "of the supreme court"; so the language will there read, "The supreme court shall appoint an administrator of the courts and other judicial assistants of the supreme court as shall be deemed necessary...."

PRESIDENT NISBET: The question is on the amendment as recommended by the committee of the whole. Those in favor will say aye. Those opposed, no.

The amendment is adopted. The next amendment.

SECRETARY CHASE: The next amendment recommended by the committee of the whole:

3. Amend page 1, line 16, after "shall" by striking out the balance of the section and inserting "perform such administrative duties as may be assigned by the court."; so that the language will then read, "The administrator shall perform such administrative duties as may be assigned by the court."

PRESIDENT NISBET: The question is on the adoption of the amendment as reported by the committee of the whole. Those in favor will say aye. Those opposed, no.

The amendment is adopted. The next amendment.

SECRETARY CHASE: The next amendment:

4. Amend page 2, line 3, after "rule" by changing the period to a comma and inserting "it being provided that the supreme court shall not have the power to remove a judge."

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

MR. EVERETT: Mr. President, fellow delegates, I voted for this amendment in committee of the whole, and I intend to vote for it here. But at the time of the debate there were comments made by at least one of the proponents of the amendment which I think should not go unchallenged. If you will recall, we had before us a proposed amendment which said that the supreme court could not suspend or remove other judges. By amendment within committee of the whole, we struck out the word "suspend," which I think most of us recognize as an implication that the supreme court could suspend but could not remove. The comment was made to the effect that this meant that the supreme court could not conduct a hearing before arriving at this decision. Now, to me at least, there's nothing in this language which implies that there could not be a hearing. As a matter of fact, I would find it unthinkable that the supreme court would suspend a judge or advocate his removal without a hearing. I simply want the record to show that in supporting this amendment and voting for it, I do not do so for the reasons advanced by at least one of its sponsors.

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

SECRETARY CHASE: The next amendment:

5. Amend page 2, line 11, after "decision" by inserting "and reasons for each denial of leave to appeal"; so that the language will there read:

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.

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

SECRETARY CHASE: The next amendment:

6. Amend page 2, line 15, after "control of" by inserting "the preparation of its budget recommendations and"; so that the language will there read:

The supreme court may appoint and remove its staff and shall have general supervision of the staff of the court and control of the preparation of its budget recommendations and the expenditure of the funds appropriated for any purpose....

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

The amendment is adopted.

SECRETARY CHASE: The next amendment:

7. Amend page 2, line 21, after "fund," by striking out "No justice of the supreme court" and inserting "Neither the supreme court nor any justice thereof"; so that that sentence will read, "Neither the supreme court nor any justice thereof shall exercise any other power of appointment to public office, except as otherwise provided herein."

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

The amendment is adopted.

SECRETARY CHASE: The next amendment:

8. Amend page 2, line 25, by striking out all of section g.

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

MR. LEIBRAND: I feel that I cannot concur with the report of the committee of the whole, and accordingly I shall vote nay.

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

MR. LEIBRAND: I would ask for a roll call vote.

PRESIDENT NISBET: A roll call vote has been requested. Is the demand seconded? There is a sufficient number up. Those in favor of the amendment will vote aye. Those opposed will vote no. This is a roll call vote. Mr. King.

MR. KING: Mr. President, would you restate the question? This is somewhat confusing. I think it would be worthwhile if you would restate the question for the benefit of the delegates.

PRESIDENT NISBET: The question is on concurring in the amendment. Do you want the amendment read, Mr. King?

MR. KING: Just in capsule form. The amendment is to strike.

SECRETARY CHASE: The amendment as proposed by the committee of the whole is to strike out all of section g.

MR. BLEDSOE: Would you have it read, Mr. President?

MR. FARNSWORTH: Point of information, Mr. President.

PRESIDENT NISBET: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, again I'm somewhat confused. We are being asked now to concur or not to concur with the committee report, which was the Ford amendment to strike out section g. Now, am I right in assuming that if we do not concur, we will then have a judicial article with 2 means of selecting a supreme court?

PRESIDENT NISBET: Is that right, Mr. Chase?

SECRETARY CHASE: The convention has agreed, on a roll call vote, to the adoption of the amendment to section a which provides for the selection of justices; and presently the question is on concurring in the recommendation of the committee of the whole that section g be stricken from the proposal.

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—82

Allen	Farnsworth	Norris
Andrus, Miss.	Faxon	Ostrow
Austin	Follo	Page
Baginski	Ford	Pellow
Balcer	Garvin	Perlich

Barthwell	Greene	Perras
Beaman	Hanna, W. F.	Pollock
Bentley	Hart, Miss	Rajkovich
Binkowski	Hatch	Romney
Bledsoe	Hatcher, Mrs.	Sablich
Bonisteel	Hood	Seyferth
Brown, T. S.	Judd, Mrs.	Snyder
Buback	King	Staiger
Butler, Mrs.	Krolikowski	Stamm
Conklin, Mrs.	Lawrence	Stopezynski
Cudlip	Leppien	Suzore
Cushman, Mrs.	Lesinski	Thomson
Danhof	Mahinske	Tubbs
Davis	Marshall	Tweedie
DeVries	Martin	Upton
Donnelly, Miss	McCauley	Van Dusen
Doty, Dean	McGowan, Miss	Walker
Douglas	McLogan	Wanger
Downs	Millard	Wilkowski
Durst	Murphy	Woelfenden
Elliott, A. G.	Nisbet	Yeager
Elliott, Mrs. Daisy	Nord	Young
Everett		

Nays—50

Anspach	Haskill	Radka
Batchelor	Higgs	Richards, J. B.
Blandford	Howes	Richards, L. W.
Boothby	Hoxie	Rood
Brake	Hutchinson	Rush
Brown, G. E.	Iverson	Shackleton
Dehnke	Karn	Shaffer
Dell	Kirk, S.	Shanahan
Doty, Donald	Koeze, Mrs.	Sharpe
Erickson	Kuhn	Sleder
Figy	Leibrand	Spitler
Finch	Lundgren	Stafseth
Gadola	McAllister	Stevens
Goebel	Plank	Turner
Gover	Powell	White
Gust	Prettie	Wood
Habermehl	Pugsley	

SECRETARY CHASE: On the question of agreeing to the recommendation of the committee of the whole to strike out section g, the yeas are 82; the nays are 50.

PRESIDENT NISBET: The amendment is adopted.

SECRETARY CHASE: Miss Donnelly, Messrs. Leibrand and McAllister offer the following amendment:

1. Amend page 2, line 3, in the amendment, after "remove" by inserting "or suspend".

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

The amendment is not adopted. The next amendment.

SECRETARY CHASE: That's all of the amendments on file, Mr. President.

PRESIDENT NISBET: If there are no further amendments, **Committee Proposal 91**, as amended, is referred to the committee on style and drafting. (applause)

Following is Committee Proposal 91 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 shall consist of 9 justices to be elected on a nonpartisan statewide basis. The term of office shall be for 8 years and not more than 3 terms of office shall expire at the same time. Each political party at party convention may nominate 1 candidate for election for each position to be filled. Any incumbent justice whose term is to expire may become a candidate for reelection by filing an affidavit of candidacy, in the form and manner as prescribed by law, not less than 180 days prior to the expiration of his term. Any person otherwise qualified to be a supreme court justice may become a candidate for election upon filing a nominating petition, in the form and manner prescribed by law, signed by qualified electors of this state in a number

equal to 3 per cent of the total vote cast for the office of governor at the last previous election.

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

Sec. c. The supreme court shall have: a general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; appellate jurisdiction as provided by supreme court rule, it being provided that the supreme court shall not have the power to remove a judge.

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

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

Sec. f. The supreme court may appoint and remove its staff and shall have general supervision of the staff of the court and control of the preparation of its budget recommendations and the expenditure of the funds appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff, except that the salaries of the justices of the supreme court shall be established by law. All fees, perquisites and income collected by the clerk shall be turned over by him to the state treasury and credited to the general fund. Neither the supreme court nor any justice thereof shall exercise any other power of appointment to public office, except as otherwise provided herein.

SECRETARY CHASE: The committee of the whole, Mr. President, 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 considered several amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Hoxie.

MR. HOXIE: Mr. President, a point of personal privilege.

PRESIDENT NISBET: Will you state it.

MR. HOXIE: This is an Ode to the District Plan.

When things go wrong, as they sometimes will,
When the road you're trudging seems all uphill,
When the funds are low and the debts are high,
And you want to smile, but you have to sigh,
When care is pressing you down a bit,
Rest if you must, but never quit.

Life is queer with its twists and turns,
As every one of us sometimes learns,
And many a failure turns about
When you might have won had you stuck it out.
Don't give up though the pace seems slow,
You may succeed with another blow.

Often the goal is nearer than
It seems to a faint, faltering man.
Often the straggler has given up
When he might have captured the victor's cup.
And he learned too late when the night slipped down
How close he was to the golden crown.

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.

proper, however, to tell the age of this person. When you find out who it is, I think you will agree that I shouldn't.

A is for Adelaide,
The great crusader,
More crusades she enters
Than a gladiator.

D is for den mother,
From dawn to dusk,
Carrying the ball
For the rest of us.

E is for earnest,
The importance of being,
Which Adelaide shows
While others are fleeing.

L is for lioness,
Fierce in her den,
If they don't come to caucus
She'll swallow her men.

A is for affluence,
A schoolteacher's lot,
Earmark for highways
But for Adelaide not.

I is for irksome,
That Hale Brake is,
The more he "coverts"
The confuser she is.

D is for don't,
Don't e'er vote your conscience,
Vote just for "the package"
And all of that nonsense.

E is for energy,
Stores and potential,
And when it's all gone
What's the differential?

She don't have the votes!
Happy birthday, Miss Hart!

[Whereupon, Miss Hart received a standing ovation.]

PRESIDENT NISBET: Mr. Turner.

MR. TURNER: Mr. President, I can't let that go by. (laughter)

I am not going to tell you how or when this came about
Because she's not historical, of that there is no doubt.

When a lady makes the experience age of 28 or 9
It's birthdays not of record, and this I think is fine.

This lady that I speak of is not afraid of work.
She digs into the problem wherever it may lurk.

With many years at teaching school she proved to be a master.

She even took a reading course to get the meaning faster.
And now in the convention, she's the leader of the crew.

She gets them in a huddle and suggests what they should do.

She had a brood of 44 but since then it made a gain
Of 2 more members strong and true aboard the Demo train.

She has proved herself a worker and leader from the start.

So now I would like to say to her: happy birthday, Adelaide Hart.

(applause)

PRESIDENT NISBET: Miss Hart, you have the distinction of being twice welcomed on your birthday.

Committee reports.

SECRETARY CHASE: No committee reports.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: **Second reading of proposals.** We are considering Committee Proposal 91. The secretary will read the proposal.

SECRETARY CHASE: Item 2, which was placed at the foot of the calendar, is **Committee Proposal 91**, A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII.

Following is Committee Proposal 91 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 1620.):

Sec. a. The supreme court shall consist of 9 justices to be elected [on] AT a nonpartisan statewide ELECTION AS PROVIDED BY LAW [basis]. The term of office shall be for 8 years and not more than 3 terms of office shall expire at the same time. Each political party at party convention may nominate [1] ONE candidate for election for each position to be filled. Any incumbent justice whose term is to expire may become a candidate for reelection by filing an affidavit of candidacy, in the form and manner [as] prescribed by law, not less than 180 days prior to the expiration of his term. Any person otherwise qualified to be a supreme court justice may become a candidate for election upon filing a nominating petition, in the form and manner prescribed by law, signed by [qualified] REGISTERED electors of this state in a number equal to 3 per cent of the total vote cast for the office of governor at the last previous election.

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

Sec. c. The supreme court shall have [: a] general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; AND appellate jurisdiction as provided by RULES OF THE supreme court [rule,] . [it being provided that] The supreme court shall not have the power to remove a judge.

Sec. d. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts [in the] OF THIS state. The distinctions between law and equity [proceeding] PROCEEDINGS shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

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

Sec. f. The supreme court may appoint, [and] MAY remove, [its staff] and shall have general supervision of [the] ITS staff, [of the court and] IT SHALL HAVE control of the preparation of its budget recommendations and the expenditure of the funds appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff[,] except that the salaries of the justices [of the supreme court] shall be established by law. All fees[,] AND perquisites [and income] collected by the [clerk] COURT STAFF shall be turned over [by him] to the state treasury and credited to the general fund. [Neither the supreme court nor any justice thereof shall exer-

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

cise any other power of appointment to public office, except as otherwise provided herein.]

PRESIDENT NISBET: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President, members of the convention, the changes, as you note, made by the style and drafting committee in regard to the 6 sections of Committee Proposal 91 have been very minor. They relate solely to draftsmanship. There has been no change in the intent as passed by the committee of the whole and by this convention on first reading. I understand there are pending several amendments, particularly to section a. I would imagine that the debate on those amendments will explain and take care of everything that needs to be said. I would suggest that we proceed with the amendment.

PRESIDENT NISBET: The secretary will read the first amendment.

SECRETARY CHASE: Messrs. Goebel, Mosier, Habermehl, Radka, Wood, Brake, Boothby, Gover, Kirk, Anspach, Turner, Leibrand, Pugsley, Dehnke, Hutchinson, Gadola, Finch, Shaffer, Shanahan, Erickson, Batchelor, Beaman, Mrs. Butler, Messrs. Farnsworth, Heideman, Stevens, Gust, L. W. Richards, Sleder, Haskill, Spittler, Perras, Rood, Stafseth, McAllister, Dell, Iverson, Blandford, Hubbs, Powell, White, Shackleton, Sharpe, Plank, Karn, Mrs. Koeze, Messrs. Knirk, Rush, Tweedie, Donald Doty, Figy, Page, Thomson, Howes, J. B. Richards, Hoxie, Mrs. Conklin, Messrs. Seyferth, Dean Doty and Sterrett offer the following amendment:

1. Amend page 1, line 1, after "Sec. a.", by striking out the balance of the section and inserting "The supreme court shall consist of 7 justices, to be elected by the electors of the state. The term of office shall be 8 years. Not more than 2 terms of office shall expire at the same time.

Justices of the supreme court shall be nominated and elected at nonpartisan elections, from judicial districts, as provided by law. Such districts shall be as nearly equal in population as may be possible and shall follow the boundaries of judicial circuits. No judicial circuit entitled by reason of population to elect more than one justice shall be divided but all justices shall be elected at large from the judicial circuit.

Incumbent justices may secure their nomination by filing an affidavit of intention to be a candidate."

To this amendment, Mr. Sterrett offers the following amendment:

1. Amend the amendment, second paragraph, second sentence, after "be as" by striking out the balance of the paragraph and inserting "follows:

1. District 1 shall be the upper peninsula with one justice;

2. District 2 shall be the northern portion of the lower peninsula consisting of the counties north of a line drawn along the southern boundaries of Oceana, Newaygo, Mecosta, Isabella, Midland and Arenac counties with one justice;

3. District 3 shall be Wayne, Oakland, Macomb and Monroe counties with 3 justices;

4. District 4 shall be the remaining counties of the state south of district 2 and west of district 3 with 2 justices."

PRESIDENT NISBET: The question is on the amendment to the amendment. Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, this amendment is not intended to create considerable debate because I'd like to proceed to this proposal as fast as we can. The only intention here is to try to develop some sort of supreme court plan that, possibly, all of us could agree upon. I, personally, have always been for the appointive plans but I really do feel that the voters are not familiar enough with these types of plans. It would take considerable education on our part. I would prefer to see the appointive plans.

I do like the present committee proposal. However, I understand from talking to many delegates that there is considerable support for a district plan. My idea with this district plan is to follow the present amendment which this amends, but to bring it as closely as possible to an at large situation as the present committee proposal for second reading shows. In dividing the state into the 4 districts, I worked with Dr. Combs

and Mr. Bolton in the research department and we have tried to look at the population as fairly as possible.

The upper peninsula has approximately 4 per cent of the population for one district. The northern half of the lower peninsula has approximately 6 per cent of the population, for another district. Each of these 2 districts receive 1 justice of the supreme court. The third district, which would be Monroe, Wayne, Oakland and Macomb counties, would have approximately 47 per cent of the state's population and then the balance of the state would have approximately 43 per cent. District 3—Monroe, Wayne, Oakland and Macomb—would have 3 justices. District 4 would have 2 justices. These have been so divided that the districts are broad in scope and probably will not need changing for the next 30 years. At that time, there is nothing in this amendment nor in the initial amendment which would not permit the legislature to reapportion these districts if it is deemed necessary.

Again, I would like to repeat that this is not a district plan as we originally had presented to us where there were 8 districts, breaking it down into something similar to a beehive. Here we have made it as broad as possible to resemble that which it would be if the justices were elected at large in the state. At the same time, this will more or less guarantee that the upper peninsula will have 1 supreme court justice elected up there and also the populous urban counties of Monroe, Wayne, Oakland and Macomb will have 3 justices, which are more than any other individual district. Now, I'd like to explain just one thing. The reason why Monroe county was thrown into district 3 rather than Genesee county, is because if Genesee county is entirely included in this district, it would put it way over 50 per cent. By putting Monroe county in, it leaves it under 50 per cent and is more logical and reasonable for a district, and to have 3 justices as compared to the other districts in approximate proportion.

As I say, I do not intend to have this for considerable debate. I would prefer to see it considered. If somebody has objections, I would very sincerely like to hear the objections to this plan or this amendment and as soon as a few objections have been raised—I don't believe there will be any other speakers speaking on this. I did this alone, so to speak, for the convention's benefit to see how it would be accepted. I feel that it would be a good plan. I would like to urge a yes vote on the amendment. However, after a certain amount of debate, I would like to see us vote on this and get on to other matters.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, Mr. Sterrett says he would like to hear from anyone who does criticize the plan or his amendment or the other plan as suggested. So far as I'm concerned, I'm certainly happy to know that Wayne county would send someone up here that was going to take something away from them. Of course, that's what always happens when they send someone like Mr. Sterrett up here, who doesn't care whether he represents Wayne county or whether he represents the rural area. That just gives them that much more representation. So far as I'm concerned, the amendment certainly isn't right. We certainly aren't getting the number of justices we ought to get with this or with any other amendment they may bring up. Balkanizing this thing hasn't done anybody any good.

MR. STERRETT: Mr. President.

PRESIDENT NISBET: Mr. Sterrett.

MR. STERRETT: Not due to those remarks, but at this time, temporarily, I'd like to withdraw this amendment.

PRESIDENT NISBET: The amendment to the amendment is withdrawn. The question is on the amendment offered by Mr. Goebel and others. Mr. Goebel, do you care to speak to your amendment?

MR. GOEBEL: Mr. President and fellow delegates, I would like to take just a few moments to give you my idea about this amendment to Committee Proposal 91. I am not too happy, to be honest with you, with the provisions for electing the supreme court justices under Committee Proposal 91, which was approved in committee of the whole. If you will remember, there were about 3 ways that justices could be nominated for the supreme court. First, each political party at party

to the people some power of veto and some small check on the supreme court rulemaking power, and I urge its adoption.

PRESIDENT NISBET: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President, I must respectfully disagree with my colleague from Muskegon. The sentence in section d is, verbatim, what we had in the Constitution of 1908. The only change made is the 2 words "of this" instead of "in the." Section 5 of article VII of the Constitution of 1908 states, "The supreme court shall by general rules establish, modify and amend the practice in such court and in all other courts of record, and simplify the same." This is lifted almost verbatim.

I wish to point out that while this may come from Alaska, that Alaska has an appointive court. It is an appointive procedure. Therefore, there is no responsibility to the people. We have provided for an elective court. I see no particular reason that we should deviate from the practice that has been in this state since 1908. And I think that in view of the fact that our court is responsible to the people, I would urge the rejection of this particular amendment. I see no reason for it. History has not proven that it is needed. I think that it would merely hamstring and would clutter up what is a division of power and what has historically been left to simplify and set forth the rules of practice and procedure that have been historically a court function. The legislature passes the substantive law. The courts provide the rules of procedure. To transcend the 2, I think would be to clutter up this constitution, and need has not been shown. I would urge the rejection of the amendment.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, I believe that the Hanna amendment is very well thought out indeed. No branch of our government should be left without some sort of check or balance upon it. And when we grant to the supreme court the right to establish, modify, amend and simplify the practice and procedure, we are granting rights that actually can affect the substance of people's legal rights. To require that these be—or at least to give the legislature the right to look over these rules as set up by the supreme court is simply a check upon the power of the court. I think it is in keeping with good governmental practice. I would urge your support and your vote for the amendment.

PRESIDENT NISBET: Judge Leibrand.

MR. LEIBRAND: Mr. President and Delegates, I think there is a great deal of sense in what Delegate Hanna and Delegate Habermehl have said. I support the Hanna amendment.

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

MR. FORD: I urge a no vote on this amendment. This is not a check or a balance. This is a device whereby the legislature, at any time it determined, by reason of something pending in one of the courts or if the supreme court itself wanted to, could suspend the rules of the game. Now, this is a lot different than the legislature passing an act for the purpose of creating or modifying substantive law. This would give the legislature the ability to step in in the middle of the ballgame and suspend the rules until they passed legislation or until something else happened.

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

The amendment is not adopted.

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is the demand seconded? Sufficient number up. Those in favor of the amendment will vote aye. Those opposed, nay. 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 Mr. Hanna, the yeas are 40; the nays are 80.

PRESIDENT NISBET: The amendment is not adopted. The question now is on Committee Proposal 91, as amended. Will the board be cleared, please. Will the delegates please clear the board. Those in favor of Committee Proposal 91 as amended will vote aye. Those opposed will vote nay. This is a record

roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—122

Allen	Gust	Powell
Andrus, Miss	Habermehl	Prettie
Anspach	Hanna, W. F.	Pugsley
Balcer	Hannah, J. A.	Radka
Barthwell	Hart, Miss	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Richards, L. W.
Bentley	Hatcher, Mrs.	Romney
Binkowski	Heideman	Rood
Blandford	Higgs	Rush
Bledsoe	Hodges	Sablich
Bonisteel	Hood	Seyferth
Bradley	Howes	Shackleton
Brake	Hoxie	Shaffer
Buback	Hubbs	Shanahan
Butler, Mrs.	Hutchinson	Sharpe
Conklin, Mrs.	Iverson	Sieder
Cudlip	Judd, Mrs.	Snyder
Cushman, Mrs.	Karn	Stafseth
Danhof	Kelsey	Staiger
Dell	Kirk, S.	Stamm
Donnelly, Miss	Knirk, B.	Sterrett
Doty, Dean	Koeze, Mrs.	Stevens
Doty, Donald	Kuhn	Stopezynski
Douglas	Lawrence	Suzore
Downs	Leppien	Thomson
Durst	Lesinski	Tubbs
Elliott, A. G.	Madar	Turner
Elliott, Mrs. Daisy	Martin	Tweedie
Erickson	McGowan, Miss	Upton
Everett	McLogan	Van Dusen
Farnsworth	Millard	Walker
Faxon	Mosier	Wanger
Figy	Murphy	White
Finch	Nisbet	Wilkowski
Follo	Ostrow	Wood
Ford	Page	Woelfenden
Gadola	Perlich	Yeager
Garvin	Perras	Young
Goebel	Plank	Youngblood
Gover	Pollock	

Nays—8

Baginski	Dehnke	Leibrand
Boothby	DeVries	McAllister
Brown, G. E.	Jones	

SECRETARY CHASE: On the passage of Committee Proposal 91, as amended, the yeas are 122; the nays are 8.

PRESIDENT NISBET: **Committee Proposal 91**, as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 91 as amended and rereferred to the committee on style and drafting:

Sec. a. The supreme court shall consist of 8 justices to be elected at nonpartisan 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 years and not more than 3 terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner as provided by law, except any incumbent justice whose term is to expire may become a candidate for reelection 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. b. One justice of the supreme court shall be selected by the court as its chief justice in the manner and for the term provided by the rules of the court. He shall perform 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 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. c. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

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

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

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

PRESIDENT NISBET (continuing): Mr. Binkowski.

MR. BINKOWSKI: Mr. President, may I ask a question of Mr. Danhof so he can clarify the record regarding a proposal? Mr. Danhof, I believe you and several members of the convention have received letters from a judge of the common pleas court of Detroit with respect to a possible increase of their salaries. We know that the common pleas court in Detroit is a statutory court and no mention was made of it, although the proposed constitution specifically mentions the justices of the supreme court, judges of the court of appeals, circuit court judges, and probate judges. I wonder if, for the record, this can be clarified.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. Binkowski, in answer to your question, section g of Committee Proposal 96 covers the constitutional courts. If you will recall, during the debate on the miscellaneous section we removed a prohibition against the increase of salary of public officers. Therefore, the common pleas court, the recorders court and municipal court judges who previously were barred because of a general prohibition within the constitution, being statutory courts, there is nothing now to prohibit the legislature from enacting the identical provision for those statutory courts that we have enacted for the constitutional courts. I see no prohibition against allowing for the increase of salaries during the term of the judges of these statutory courts.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: All delegates are asked to check their mailboxes before they go to lunch.

The committee on style and drafting will meet in room G during the noon recess. Mr. Cudlip, chairman.

The committee on emerging problems will have a short meeting — emphasis "short meeting" — this noon in room H immediately upon taking the recess.

The committee on declaration of rights, suffrage and elections will meet in room F today at 8:00 o'clock p.m.

The committee on legislative powers will meet in room H Thursday at 8:00 o'clock a.m. T. Jefferson Hoxie, chairman.

PRESIDENT NISBET: The Chair recognizes Mr. Bledsoe.

MR. BLEDSOE: Mr. President, I move that the convention recess until 1:30.

PRESIDENT NISBET: The question is on the motion of Mr. Bledsoe. Those in favor will say aye. Opposed, nay.

We are recessed until 1:30 o'clock.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

We have the following requests for leave: Mr. William Hanna asks to be excused from the first part of the afternoon session today; and Mr. Garry Brown requests to be excused from this afternoon's session and the sessions of Wednesday, Thursday and Friday, April 25, 26 and 27, due to the trial of a lawsuit previously adjourned to these dates at a time when it appeared that the convention would adjourn by April 15.

PRESIDENT NISBET: Without objection, the requests are granted.

Second reading on executive branch proposals. The secretary will read.

SECRETARY CHASE: Item 1 on the calendar, **Committee Proposal 71** —

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, several delegates have requested a little additional time to prepare some material on this on both sides of the house. I'd like to move at this time that Committee Proposal 71 be placed right after item 10 on our calendar, which will bring it up just a little later.

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

The motion prevails. The secretary will read the next proposal.

SECRETARY CHASE: Item 2 on the calendar, **Committee Proposal 2**, A proposal to provide the executive power be vested in the governor. Amends article VI, section 2.

Following is Committee Proposal 2 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 336.):

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

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The language of the section has been unchanged by the style and drafting committee, Mr. President, and it is exactly in the form which it was when it left the floor. We have nothing to add to that.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 2. Any amendments?

SECRETARY CHASE: None.

PRESIDENT NISBET: This is a record roll call vote. Those in favor of approval of Committee Proposal 2 will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—112

Allen	Garvin	Perlich
Anspach	Goebel	Perras
Austin	Gover	Plank
Baginski	Gust	Pollock
Balcer	Habermehl	Powell
Barthwell	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Blandford	Heideman	Richards, J. B.
Bonisteel	Higgs	Richards, L. W.
Bradley	Hodges	Romney
Brake	Howes	Rood
Buback	Hubbs	Rush
Butler, Mrs.	Hutchinson	Sablich
Cudlip	Iverson	Shackleton
Cushman, Mrs.	Jones	Sharpe
Danhof	Judd, Mrs.	Sleder
Dehnke	Karn	Snyder
Dell	Kelsey	Spitler
DeVries	Kirk, S.	Stafoeth
Donnelly, Miss	Koeze, Mrs.	Staiger
Doty, Dean	Krolkowski	Stamm

PREAMBLE

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

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

Sec.	Proposal
1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
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11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
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22.	Treason; definition, evidence 15-21
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Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

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

Article III General Government

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

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

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

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

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

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

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

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

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

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

ARTICLE IV LEGISLATIVE BRANCH

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

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60 Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
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2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[,] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

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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
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9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
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16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
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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	Leibrand	Stevens
Doty, Dean	Leppien	Suzore
Doty, Donald	Lesinski	Thomson
Durst	Mahinske	Tubbs
Elliott, A. G.	Martin	Turner
Erickson	McCauley	Tweedie
Everett	McGowan, Miss	Upton
Farnsworth	McLogan	Van Dusen
Figy	Millard	Wanger
Finch	Mosier	White
Follo	Page	Wood
Gadola	Perras	Woolfenden
Goebel	Plank	Yeager
Gover		

Nays—33

Austin	Garvin	Nord
Baginski	Greene	Norris
Binkowski	Hart, Miss	Ostrow
Brown, T. S.	Hodges	Pellow
Buback	Jones	Perlich
Dade	Kelsey	Sablich
Dehnke	Krolikowski	Snyder
Downs	Madar	Stopczynski
Elliott, Mrs. Daisy	Marshall	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood

SECRETARY CHASE: On the passage of article VI, the judicial branch, the yeas are 103; the nays are 33.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article VI**, as amended, is passed.

For sections 1 through 7, 9 through 25, 27, 28 and 29 of article VI as passed, see above, page 3060.

Following is section 8 of article VI as amended and passed:

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as near as possible of equal population, as prescribed by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Following is section 26 of article VI as amended and passed:

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

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

Following is explanation of vote submitted by Mr. McAllister:

My reason for voting no on article VI, the judicial article, is that I believe the provisions of the present constitution are better than the provisions of the new article.

Following is explanation of vote submitted by Messrs. Krolikowski, Binkowski, Garvin, Madar, Ford, Downs and Miss Hart:

We voted no on article VI because Michigan's traditional judicial system has stood the test of time in the basic matter of selection of judges. Michigan's judiciary has a nationwide reputation for ability, integrity and efficiency.

Michigan's judicial system provides that when a vacancy occurs the governor appoints a judge to serve until the next election. At the next election that judge who was temporarily appointed must run against any other candidates nominated by the people, either through petition or by convention, as in the case of the supreme court.

Article VI as adopted removes the governor's right to select the judge on a temporary basis—a system that is proven in practice to have the best of the appointed and the elected systems. The proponents of this change did not prove their need for changing the historically satisfactory method.

Another severe weakness was a constitutional provision in section 28 for appeals from administrative agencies. Present appeals are handled either by general law or specific statute affecting specially created agencies. This proposal has a constitutional, rigid appeal system that could, in effect, make one who wins his case before the administrative tribunal for all intents and purposes go before a court and win his case all over again. This is frustrating, expensive and time-consuming for litigants as well as courts.

We believe that the proposed judicial article does not contain sufficient improvement over the present judicial system to justify replacing the 1908 constitution, as amended. Any improvements found in the article may and should be accomplished by statutory enactment.

We believe that these 2 changes alone are significant steps backward from Michigan's present constitution, and we therefore voted no on article VI—judicial branch.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VII, local government.

SECRETARY CHASE: Article VII, local government:

[Article VII, sections 1 through 33, was read by the secretary. For text, see above, page 3083.]

VICE PRESIDENT HUTCHINSON: Article VII has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VII of the proposed revision of the constitution:

sec-	col-		
tion	umn	line	Corrections
10	2	29	After "be" remove brackets around "re".
10	2	30	After "to be" insert brackets as follows "[re]".
17	1	27	After "law" insert "[" before "and".
17	1	28	After "constitution" insert "]".
20	1	45	After "provide" insert "by law".
24	2	27	After "own" insert "[,]".
24	2	30	After "disposal" delete "[,]".
30	1	55	After "a" insert "[longer]".
30	1	56	Change "longer" to "LONGER".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The secretary will report an amendment.

SECRETARY CHASE: Messrs. Sharpe and Kuhn offer the following amendment:

1. Amend article VII, section 21 (column 2, line 6) after "law.", by inserting "No governmental subdivision of the state shall impose an income tax unless approved by three-fifths of the qualified electors voting on the question."

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: The substance of this amendment has been debated at some length before and I would move at this time to limit debate on this amendment to 10 minutes.

VICE PRESIDENT HUTCHINSON: The question is on the motion to limit debate to 10 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. Mr. Brown.

MR. G. E. BROWN: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: State your point.

MR. G. E. BROWN: The exact language that is presently proposed was offered on second reading except that instead of a majority of the qualified electors, 3/5 has now been added and changed. I think in substance this is the same. When you make the requirement more stringent than failed to pass before, I don't think you have a different matter before you and I would refer you to journal page 999.

VICE PRESIDENT HUTCHINSON: Well, the Chair would be disposed to rule and does rule that this presents a different question. The body has not heretofore considered the matter of a 60 per cent on this thing. Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, once again we come to you and ask you to consider the question of whether or not a governmental subdivision shall authorize an income tax without a vote of its people. Now it has been argued that this is legislative in nature, and when the Bowman bill passed the legislature you had a pretty strong argument. But since the governor in his wisdom saw fit to veto this bill, I think it now presents the same question that has been raised by many delegates who have things that they felt were necessary to be in this constitution; for example, the civil rights commission, civil service, and things of that nature. We know that those are legislative matters and yet we thought they should be in the constitution, because the legislature did not provide for them. We therefore strongly urge that the delegates to this convention decide this issue for the people and put it in the constitution.

MR. W. F. HANNA: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: I rise to a point of order. I challenge the germaneness of this proposed amendment to this section. Section 21 of local government is the historical local government article dealing with home rule cities and villages and the reference to tax laws in there are to cities and villages as they may put in their charters for municipal purposes and public purposes.

The amendment says "No governmental subdivision" which would cover school districts, charter or other authorities, town-

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdi-
55 | vision thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60 |

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

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

13 Sec. 1. Amendments to this constitution may
14 be proposed in the senate or house of representa-
15 tives. Proposed amendments agreed to by two-
16 thirds of the members elected to and serving in
17 each house on a vote with the names and vote of
18 those voting entered in the respective journals
19 shall be submitted, not less than 60 days there-
20 after, to the electors at the next general election
21 or special election as the legislature shall direct.
22 If a majority of electors voting on a proposed
23 amendment approve the same, it shall become
24 part of the constitution and shall abrogate or
25 amend existing provisions of the constitution at
26 the end of 45 days after the date of the election
27 at which it was approved.

28 Sec. 2. Amendments may be proposed to this
29 constitution by petition of the registered electors
30 of this state. Every petition shall include the full
31 text of the proposed amendment, and be signed by
32 registered electors of the state equal in number to
33 at least 10 percent of the total vote cast for
34 all candidates for governor at the last preceding
35 general election at which a governor was elected.
36 Such petitions shall be filed with the person au-
37 thorized by law to receive the same at least 120
38 days before the election at which the proposed
39 amendment is to be voted upon. Any such petition
40 shall be in the form, and shall be signed and
41 circulated in such manner, as prescribed by law.
42 The person authorized by law to receive such peti-
43 tion shall upon its receipt determine, as provided
44 by law, the validity and sufficiency of the signa-
45 tures on the petition, and make an official an-
46 nouncement thereof at least 60 days prior to the
47 election at which the proposed amendment is to be
48 voted upon.

49 Any amendment proposed by such petition shall
50 be submitted, not less than 120 days after it was
51 filed, to the electors at the next general election.
52 Such proposed amendment, existing provisions of
53 the constitution which would be altered or abro-
54 gated thereby, and the question as it shall appear
55 on the ballot shall be published in full as provided
56 by law. Copies of such publication shall be posted
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-
59 tain a statement of the purpose of the proposed
60 amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

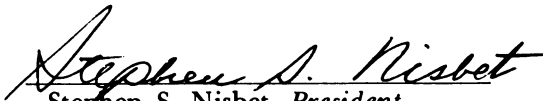
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

3. Removes incumbent justices farther from political considerations by permitting them to become candidates for re-election by filing an affidavit of candidacy not less than 180 days prior to the expiration of their terms.

Latitude is given to the legislature in the method to be prescribed for nominating candidates for the supreme court, but elections continue to be non-partisan.

Supreme court; chief justice.

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.

This is a new section giving constitutional sanction for the selection of the Chief Justice by members of the court. This has been the practice for several decades, although Sec. 2, Article VII, of the present constitution requires that he "be chosen by the electors of the state." Duties of the Chief Justice would be those "required by the court."

The third and fourth sentences of the section give constitutional sanction to the existing office of Administrator of the Courts and clearly spell out the source of his authority. The language implements references to "superintending control" over all courts of lesser jurisdiction in Sec. 4, Article VII, of the present constitution and this proposed Article.

Supreme court; jurisdiction.

*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.*

This is a revision of Sec. 4, Article VII, of the present constitution. It substitutes the general term "prerogative and remedial writs" for the list of historic writs contained in the present document. The court is permitted to control its appellate jurisdiction by rule, but it is denied the power to remove a judge.

Supreme court; rules.

*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.*

This is a revision of Sec. 5, Article VII, of the present constitution. In addition to existing powers of the court, power is conferred to simplify both practice and procedure.

The second sentence gives constitutional sanction to the state Judicature Act of 1960 by which distinctions between law and equity have been abolished.

Supreme court; written decisions.

*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. *****

This is a revision of Sec. 7, Article VII, of the present constitution. The reference to "prerogative writs" replaces the list of historic writs contained in the present document. The proposed section continues the requirement of written opinions with a statement of facts and reasons for each decision. The final sentence requires a statement of reasons for all dissents whether in whole or in part.

The eliminated language of the present constitution requiring signature on opinions and their filing is regarded as excess verbiage. This practice is well established and it appears unnecessary to encumber the constitution with this requirement.

Supreme court; staff supervision.

*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. *****

This is a revision of Sec. 6, Article VII, of the present constitution. It extends the appointive power of the supreme court and its supervising control to its entire staff, instead of limiting it to court officers specifically named in the present document.

The court is granted control of the preparation of its budget recommendations and the expenditure of funds appropriated for its activities, except for salaries of the justices which are established by the legislature. The section requires that fees and perquisites collected by the court staff be turned over to the state's general fund.

COURT OF APPEALS

Court of appeals; judges; elections.

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.