

Michigan Constitutional Convention of 1961

Committee Proposals 82b & 82c

Const 1963, Art 7, § 18

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3450, 3469
First Reading	pp. 738, 980-982, 988-993, 998-1005, 1023-1024, 1890
Second Reading	pp. 2513-2516
Draft Constitution (Art 7, § 18)	pp. 3047-3075 (p. 3064)
Third Reading, Article-by-Article	pp. 3145-3146
Draft Constitution (Art 7, § 18)	pp. 3215-3237 (p. 3228)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 7, § 18)	pp. 3319-3353 (p. 3339)
Address to the People	p. 3392

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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Editor
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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	9,10	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	13	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	14	34	V	28	none		71h	VIII	5	XI	3,4,5, 7,8,16	98b
IV	15	none		102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

Committee Proposal No.	Page	Committee Proposal No.	Page
79. A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.		82. A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.	
For text as offered and reasons	2014	For text as offered and reasons	980
As referred to style and drafting	2029	For minority report and reasons	981
As reported by style and drafting	2799	As referred to style and drafting	1024
As rereferred to style and drafting	2799	As reported by style and drafting	2513
Feb. 2, reported by legislative organization; referred to committee of the whole	756	As rereferred to style and drafting	2513
Feb. 9, made a special order on general orders for Feb. 14	939-940	Feb. 1, reported by local government; referred to committee of the whole	738
Feb. 13, returned to regular order on general orders	1026	Feb. 12, read first time; section a considered, passed by committee of the whole	980-982
Mar. 30, read first time; considered, amended, passed by committee of the whole	2014-2029	Feb. 13, sections b, c, d, e considered; sections b, d amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole	988-1005
Mar. 30, reported by committee of the whole with 6 amendments; amendments concurred in; referred to style and drafting	2029	Feb. 13, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	1023-1024
Apr. 23, reported by style and drafting (Report 81); placed on order of second reading	2670	Mar. 27, reported by style and drafting (Report 40); placed on order of second reading	1890
Apr. 25, read second time; passed; rereferred to style and drafting	2799-2803	Apr. 17, read second time; passed; rereferred to style and drafting	2513-2516
80. A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.		83. A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.	
For text as offered and reasons	2034	For text as offered and reasons	1005
For minority report and reasons	2036	For minority reports and reasons	1007
As referred to style and drafting	2178	As referred to style and drafting	1070
As reported by style and drafting	2805	As reported by style and drafting	2516
As rereferred to style and drafting	2821	As rereferred to style and drafting	2536
Feb. 2, reported by legislative organization; referred to committee of the whole	756	Feb. 1, reported by local government; referred to committee of the whole	738
Feb. 9, made a special order on general orders for Feb. 14	939-940	Feb. 13, read first time; sections a, b considered; section a amended, passed; section b amended by committee of the whole	1005-1023
Feb. 13, returned to regular order on general orders	1026	Feb. 14, sections b, c, d, e, f considered; sections b, d, f amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole	1029-1048
Apr. 2, read first time; section a considered by committee of the whole	2034-2059	Feb. 14, reported by committee of the whole with 6 amendments	1065-1066
Apr. 3, section a considered, amended by committee of the whole	2062-2074, 2076-2096	Feb. 15, report considered; amendments concurred in; referred to style and drafting	1068-1070
Apr. 4, sections a, b, c considered; section a amended, sections b, c passed by committee of the whole	2098-2153	Mar. 27, reported by style and drafting (Report 41); placed on order of second reading	1890
Apr. 5, section a considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	2154-2177	Apr. 17, read second time; amended, passed; rereferred to style and drafting	2516-2536
Apr. 5, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting	2178	84. A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.	
Apr. 23, reported by style and drafting (Report 82); placed on order of second reading	2670	For text as offered and reasons	1048
Apr. 25, motion to postpone until Aug. 1 defeated	2803-2805	As referred to style and drafting	1048
Apr. 25, read second time; amended, passed; rereferred to style and drafting	2805-2822	As reported by style and drafting	2536
81. A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.		As rereferred to style and drafting	2536
For text as offered and reasons	929	Feb. 1, reported by local government; referred to committee of the whole	738
For minority reports and reasons	930	Feb. 14, read first time; considered, passed by committee of the whole	1048-1055
As referred to style and drafting	985	Feb. 14, reported by committee of the whole without amendment; referred to style and drafting	1065
As reported by style and drafting	2505	Mar. 27, reported by style and drafting (Report 42); placed on order of second reading	1890
As rereferred to style and drafting	2512	Apr. 17, read second time; passed; rereferred to style and drafting	2536-2538
Feb. 1, reported by local government; referred to committee of the whole	738	85. A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise. Amends article VIII, sections 28 and 29.	
Feb. 9, read first time; sections a, b, c, d, e, f considered, passed by committee of the whole	929-938, 940-952	For text as offered and reasons	1055
Feb. 12, sections g, h, i, j, k, l, m considered; sections g, h, i, j, k, l passed; section m amended, passed; committee proposal as amended considered, passed by committee of the whole	957-980	As referred to style and drafting	1107
Feb. 12, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	982-985	As reported by style and drafting	2538
Mar. 27, reported by style and drafting (Report 39); placed on order of second reading	1890	As rereferred to style and drafting	2538
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2505-2513	Feb. 1, reported by local government; referred to committee of the whole	739
		Feb. 14, read first time; sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered; passed until 2:00 p.m., Feb. 15, by committee of the whole	1055-1057

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Article VII: Cont'd.

Section 13. Consolidation of counties, approval by electors. (Committee Proposal 81n)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3391

Section 14. Organization and consolidation of townships. (Committee Proposal 81l)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3391

Section 15. County intervention in public utility service and rate proceedings. (Committee Proposal 85c)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3391

Section 16. Highways, bridges, culverts, airports; road tax limitation. (Committee Proposal 86a)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 17. Townships; corporate character, powers and immunities. (Committee Proposal 82a)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 18. Township officers; term, powers and duties. (Committee Proposal 82b, c)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 19. Township public utility franchises. (Committee Proposal 82e)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 20. Townships, dissolution; villages as cities. (Committee Proposal 82d)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3392

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Article VII: Cont'd.

Section 21. Cities and villages; incorporation, taxes, indebtedness. (Committee Proposal 83a)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3392

Section 22. Charters, resolutions, ordinances; enumeration of powers. (Committee Proposal 83b)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 23. Parks, boulevards, cemeteries, hospitals. (Committee Proposal 83c)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 24. Public service facilities. Services outside corporate limits. (Committee Proposal 83e)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 25. Public utilities; acquisition, franchises, sale. (Committee Proposal 83f)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 26. Cities and villages, loan of credit. (Committee Proposal 83d)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 27. Metropolitan governments and authorities. (Committee Proposal 88a)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3393

Section 28. Governmental functions and powers; joint administration, costs and credits, transfers. Officers, eligibility. (Committee Proposal 88b)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301

Committee Proposal 65, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 65 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 66, A proposal relative to amendment and revision. Amends section 4 of article XVII;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 66 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 68, A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 68 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 69, A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 69 and the reasons submitted in support thereof, see below under date of April 13.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced

Committee Proposal 70, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor;

with the recommendation that it pass.

T. Jefferson Hoxie, chairman,
committee on legislative powers.

John B. Martin, chairman, committee on executive branch.

For Committee Proposal 70 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 72**, A proposal to provide for compensation of acting governor. Retains section 18 of article VI;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 72 and the reasons submitted in support thereof, see below under date of March 29.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 74**, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 74 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced

Committee Proposal 75, A proposal to provide for compensation of state officers. Amends article VI, section 21;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 75 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 76 and the reasons submitted in support thereof, see below under date of March 20.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced

Committee Proposal 78, A proposal to provide for the office of legislative auditor general. Adds a new section to article V;

with the recommendation that it pass.

T. Jefferson Hoxie, chairman, committee on legislative powers.

John B. Martin, chairman, committee on executive branch.

For Committee Proposal 78 and the reasons submitted in support thereof, see below under date of March 15.

Mr. A. G. Elliott, for the committee on local government, introduced

Committee Proposal 81, A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 81 and the reasons submitted in support thereof, see below under date of February 9.

Mr. A. G. Elliott, for the committee on local government, introduced

Committee Proposal 82, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 82 and the reasons submitted in support thereof, see below under date of February 12.

Mr. A. G. Elliott, for the committee on local government, introduced

Committee Proposal 83, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 83 and the reasons submitted in support thereof, see below under date of February 13.

Mr. A. G. Elliott, for the committee on local government, introduced

Committee Proposal 84, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 84 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced

county officer and I would encourage Delegate Sablich to offer that amendment. And when it is offered, I would also encourage the support of all the delegates to include this in the group because I believe the county mine inspector plays a very important role in our fine operations of the U.P.

CHAIRMAN DeVRIES: The secretary will read the Sablich amendment.

SECRETARY CHASE: Mr. Sablich offers the following amendment to Committee Proposal 81:

1. Amend page 1, line 22, after "attorney," by inserting "and such other elective officers as may be provided by law,".

CHAIRMAN DeVRIES: The question is on the Sablich amendment to section c. The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, in listening to the language of the amendment offered, it doesn't refer to a mine inspector as such. I got up here to talk about that. My point that I wanted to make was to invite attention to the fact that there are other county officers whose existence are by reason of statute, such as county surveyors, county drain commissioners and so forth and they continue to be.

Now, I can't understand why it is necessary to add the phrase that Mr. Sablich now offers, "such other officers as may be provided by law," unless I take it that he wants to insure that it would be impossible for any county official to hold a term of less than 4 years. I don't understand the wisdom of that. Keep in mind that we are going to have to have elections in every county every 2 years anyway and it may follow that maybe the legislature might, in implementing this section of the statute, provide for the election of some county officers at one time and other county officers at another, even though they have 4 year terms. My point is that we are going to have to continue to have elections in every county every 2 years anyway, because under the Constitution of the United States, we have to elect congressmen every 2 years. So you aren't going to be able to avoid elections by this reason. And I don't understand the wisdom of writing into the constitution at this time that every officer that might be created by law in a county shall have a 4 year term, no less and no more. In other words, the legislature would be without power to create any kind of a county official having more than a 4 year term. Now, then, I don't know, maybe the judge of probate is to be considered a county officer and if so, my understanding is there is some talk about giving him a 6 year term and that would run in conflict with this. I can't support the amendment the way I look at it now.

CHAIRMAN DeVRIES: The gentleman from Caspian, Delegate Sablich, has the floor.

MR. SABLICH: Mr. Chairman and members of the committee, I just want to reemphasize that the mine inspector is a very important official in those upper peninsula counties in which metals and minerals are extracted. The man is elected. My amendment merely proposes that all elected officials—if the legislature does see fit to provide that the drain commissioners and other officials of the county are put on an elective basis—I cannot see why they should not have the security of a 4 year term as well as those that are enumerated here in section c. For that reason, I urge the adoption of the amendment.

CHAIRMAN DeVRIES: The question before the committee is the Sablich amendment to section c of Committee Proposal 81. All those in favor of the amendment will say aye. All those opposed, say no.

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN DeVRIES: A division has been requested. Is there support for a division vote? There is support. All those in favor of the Sablich amendment will vote aye. All those opposed will vote no. The secretary will read the amendment once again.

SECRETARY CHASE: Mr. Sablich has offered the following amendment:

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

CHAIRMAN DeVRIES: All those in favor of the Sablich amendment will vote aye. Those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Sablich, the yeas are 45; the nays are 72.

CHAIRMAN DeVRIES: The amendment is not adopted.

Are there any further amendments to the body of Committee Proposal 81? If not, it will pass.

Committee Proposal 81, as amended, is passed.

Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, when I came to this convention some months ago, I didn't know what or who Parkinson was. I am not so sure that I do now but I understand he has one law that I would like to have changed to Elliott's law, which says something to the effect that debate within legislative bodies is in reverse proportion to the quality of the subject matter being debated. And while I can't say that the quality of this particular issue is always so bad, as I look back over the various sections that we have debated, it seems to me that those things which at least to the chairman seemed to be the most important, were the ones that got through with the least amount of discussion and those which we spent the most time on were those on which we could well have avoided a lot of discussion.

The second comment I would like to make is that Mr. Van Dusen asked me to prepare a schedule of the number of hours that I thought the committee on local government would be discussing the 9 proposals and 6 exclusions. I had the total number of hours planned—7 hours. We have now debated on the first proposal 7 hours and 15 minutes. Therefore, if my schedule is right, there is nothing more in local government. But I'm afraid that there is.

It is now 10:15 p.m. and I don't want us to be delayed too long. I am not going to urge that the committee rise at this time. I think that this next proposal is one that can be done most quickly. If I find to the contrary, I'll be happy to ask for the floor.

CHAIRMAN DeVRIES: The Chair might suggest to Delegate Elliott that he be careful to which one of the Parkinson's laws he affixes his name. The one he is talking about is called the law of triviality. (laughter)

MR. A. G. ELLIOTT: I thank you so much. (laughter) Maybe you will join me. (laughter)

CHAIRMAN DeVRIES: The secretary will read.

SECRETARY CHASE: From the committee on local government, by Mr. Elliott, chairman, **Committee Proposal 82**, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.

Following is Committee Proposal 82 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. Each organized township shall be a body corporate[,] with such powers and immunities as shall be prescribed by law. [All suits and proceedings by or against a township shall be in the name thereof.]

Sec. b. The legislature may by general law confer upon organized townships [such] powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution. [, as it may deem proper.]

Sec. c. There shall be elected [on the first Monday of April in each odd numbered year] for a term NOT LESS THAN [of] 2 years NOR MORE THAN 4 YEARS AS PROVIDED BY LAW in each organized township: 1 TOWNSHIP supervisor[.]; 1 township clerk[.]; [1 commissioner of highways,] 1 township treasurer[.]; and, not to exceed 4 [constables] TOWNSHIP TRUSTEES, whose powers and duties shall be [prescribed] PROVIDED by law. [Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the pro-

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

visions of this section providing for biennial township elections.]

Sec. d. WHENEVER THERE IS NO UNINCORPORATED TERRITORY WITHIN A TOWNSHIP, THE TOWNSHIP GOVERNMENT SHALL BE ABOLISHED IF A MAJORITY OF THOSE VOTING ON A REFERENDUM IN THE TOWNSHIP APPROVE. ITS FUNCTIONS SHALL THEN BE ASSUMED BY THE VILLAGE OR VILLAGES AS PROVIDED BY LAW. IN SUCH CASES, THE VILLAGE OR VILLAGES AFFECTED SHALL BE ENTITLED TO REPRESENTATION ON THE COUNTY BOARD OF SUPERVISORS AS PROVIDED BY LAW.

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

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 82:

Section a comment: The committee recommends the retention of this section with the deletion of the last sentence of section 16 in the interest of brevity and simplicity, and because the language is superfluous, added nothing to meaning or legal effect.

Section b comment: The committee recommends the deletion of the words "as it may deem proper" in the interest of brevity and simplicity, because the language is superfluous, added nothing to meaning or legal effect.

Section c comment: The time of the election of township officers is left to the article on elections. The committee recommends a minimum term of 2 years, permitting the legislature to extend the term to 4 years. The committee on declaration of rights, suffrage and elections has concurrent jurisdiction on this matter, and has no objection to our recommendation. The committee recommends elimination of the township highway commissioner as a constitutional officer since the township highway problem is no longer present. The committee recommends the elimination of constables as constitutional officers as the need for their services can be and is now provided for by statute. The committee recommends that the office of township trustee be established in the constitution since it is a basic part of township structure. We conclude that all active township officers should be provided for in the constitution. The committee recommends deletion of the following sentence, "Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the provisions of this section providing for biennial township elections." Since justices of the peace no longer serve on township boards because the Michigan supreme court has determined they are judicial officers, we concluded that the problem of the justice of the peace is primarily a judicial committee problem and not a local government problem. Our recommendation shall not be construed to mean that we recommend the abolishment of the justice of the peace.

Section d comments: The committee recommends the inclusion of the above new section. The committee concluded that where no unincorporated territory remains within a township, there is no need that the township unit of government be retained since the village or villages could, when authorized by law, perform all township duties and assume all township responsibilities. Representation for these areas on the county board of supervisors would be preserved.

Section e comments: This section requires that the utility wanting an irrevocable franchise must submit the proposition to the people for approval. This gives the utility the privilege of operating with security. A majority vote is required for it to become effective. After study, the committee believes the majority vote for approval in a township should be retained even though a 3/5 majority is required in a city or village. The 3/5 figure

appears to have worked satisfactorily in municipalities but might be unduly difficult to obtain, especially in townships which are partly urban and partly rural in character and in which the needs of each group differ. Furthermore, in townships of small population, a 3/5 majority might be difficult to obtain and a relatively few voters could block a franchise wanted by a majority of the people. This section was new in the 1908 constitution; no similar section existed in either the 1835 nor the 1850 constitution. It is necessary for this section to remain in the constitution because of the necessary control that a township must have over the ever increasing need and use of public utilities. This section has the approval of the committee on declaration of rights, suffrage and elections.

Following is the minority report to Committee Proposal 82 as offered and the reasons submitted in support thereof:

Messrs. Ford, Gover, Sharpe and J. B. Richards, a minority of the committee on local government, submit the following minority report to Committee Proposal 82:

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

The legislature [may] SHALL by general law confer upon organized townships such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution as [it may deem proper.] SHALL BE NECESSARY FROM TIME TO TIME TO MAINTAIN AND CARRY OUT LOCAL GOVERNMENT FUNCTIONS WITHIN ORGANIZED TOWNSHIPS.

Messrs. Ford, Gover, Sharpe and J. B. Richards, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 82:

The proponents of this minority report, believing that the principle often enunciated in this convention that, "government is best which is closest to the people and every governmental service should be performed by the smallest unit of government which can do so efficiently", also believe that the township is a necessary form of local governmental structure.

We believe that a long tradition in this state, when considered in light of the numerous and very detailed statutes conferring powers of local self government on townships, indicate the necessity for strengthening the integrity of the township governmental unit.

The Michigan supreme court has held in a case involving the issuance of bonds that townships have only such powers as statutes confer, and are subject to no obligations except such as are derived from statutory provisions. The court also held that the township board is of special and limited jurisdiction, having no power or authority by constitutional mandate, but deriving sole authority from the legislature which is authorized but not compelled by the constitution to delegate certain legislative powers to the township board.

We believe that substitution of the word "shall" for the word "may" is more consistent with the language of other sections concerning local units of government and would more clearly indicate our intention that the legislature be not only empowered but encouraged as well to confer necessary and reasonable powers of local self government upon township units. The above court decisions seem to indicate that the additional language here added to former section 17 would liberalize and strengthen enabling legislation concerning governmental functions and powers for townships.

CHAIRMAN DeVRIES: Is it the desire of the chairman to proceed section by section throughout this proposal?

MR. A. G. ELLIOTT: It is. I'd like to yield to Mr. Radka.

CHAIRMAN DeVRIES: The secretary will read section a. SECRETARY CHASE: Section a.

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

[Sec. a was read by the secretary. For text, see above, page 980.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Rogers City, Delegate Radka.

MR. RADKA: At this hour, I'm not going to belabor the committee with the history of townships. We could start from 1850 and carry it forward to 1962. But I think that the less amount of background material that I give you, the less number of questions; it might lessen the quantity of speech making and it might limit the number of amendments. As I understand, there is only one minority report and just one amendment to this proposal. The subcommittee was made up of Bill Suzore, Bill Ford and Jim Farnsworth. The first section will be handled by Jim Farnsworth and I yield to Jim Farnsworth.

CHAIRMAN DeVRIES: Delegate Radka yields to Delegate Farnsworth.

MR. FARNSWORTH: Chairman DeVries and members of the committee, this language, of course, as you will recognize, has been in the constitution for quite some time. Your committee is recommending the deletion of the last sentence which said: "All suits and proceedings by or against a township shall be in the name thereof." The committee felt that the language was not needed; that it just naturally followed that that was true.

Since this was written, I think there is another proposal coming in which will say that in any court you will be represented by an attorney of your choice and further, we thought that any attorney would naturally know that if a suit was started against a township, that it would be in the name thereof. We just didn't think the language was necessary.

CHAIRMAN DeVRIES: Are there any amendments to section a?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN DeVRIES: If not, it will pass.

Section a is passed. The secretary will read section b. Mr. Elliott.

MR. A. G. ELLIOTT: I notice that section b is the section that has a minority report and I think since there may be some discussion on that, I'd like at this time to move that the committee rise.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee of the whole do now rise. All those in favor will say aye. Opposed, no.

The motion prevails and the committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

MR. DeVRIES: Mr. President, the committee of the whole has had under consideration several items on which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 81**, A proposal pertaining to county government; reports this back to the convention with an amendment, recommending the amendment be agreed to and the proposal as amended do pass.

[The following is the amendment recommended by the committee of the whole:

1. Amend page 3, line 23, after "shall" by striking out the balance of the section and inserting "not take effect until approved by a majority of the registered voters voting thereon. All other counties may establish such merit systems as provided by law."]

PRESIDENT NISBET: The question is on agreeing to the amendment recommended by the committee of the whole. Those in favor say aye. Opposed, no.

The amendment is agreed to.

SECRETARY CHASE: Mr. W. F. Hanna offers the following amendment to the proposal:

1. Amend page 2, line 12, after "consisting of 1" by inserting "or more"; and in line 13, after "township" by inserting

"and city"; and in line 14, after "Cities" by inserting "and townships"; and after "such" by inserting "additional"; so that the language of section f on page 2 would read:

A board of supervisors, consisting of 1 or more from each organized township and city shall be established in each county with such powers as shall be prescribed by law. Cities and townships shall have such additional representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

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

MR. W. F. HANNA: Mr. President, this matter was debated at some length in committee of the whole. The vote was close. This is merely an attempt to treat the large suburban townships that are in the crossroads of whether to become a city or to annex or merge or remain as they are, and grant to them effective representation on the board of supervisors as are granted to many of the smaller cities throughout the same county.

PRESIDENT NISBET: The question is on the amendment of Mr. Hanna. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I would only call the convention's attention to the fact that I agree with Mr. Hanna, that this matter was debated in committee of the whole and we came to a decision on it and let me remind you once again that the local government committee strongly urges you to vote against this amendment. It has been very carefully considered and it is the recommendation of the local government committee that you vote the amendment down.

Mr. President, I move the previous question.

PRESIDENT NISBET: Is the demand for the previous question seconded? Those in favor say aye. Sufficient number up.

The question now is: Shall the previous question be put? Those in favor say aye. Opposed, no.

The motion prevails and the previous question is ordered.

The question is on the Hanna amendment. Those in favor will say aye—

Mr. Ford.

MR. FORD: Parliamentary inquiry. What is my status when I am standing at the mike waiting for recognition and someone moves the previous question?

PRESIDENT NISBET: The previous question is ordered, Mr. Ford.

MR. FORD: Will I be able to present an amendment when Mr. Hanna's amendment is voted on, assuming it doesn't pass?

PRESIDENT NISBET: Not unless it has been filed with the secretary, Mr. Ford, before the previous question was ordered.

MR. FORD: I just got it back from Mr. Hanna or it would have been filed. I had it written out some time ago.

PRESIDENT NISBET: I take it it has not been filed, Mr. Ford.

Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I do not want to shut Mr. Ford off from offering a proper amendment. If it is the pleasure of this convention, I'd be glad to withdraw my motion for the previous question.

PRESIDENT NISBET: The previous question has already been ordered, Mr. Farnsworth. The vote is on the Hanna amendment. Those in favor will say aye. Opposed, no.

The Chair is in doubt.

MR. W. F. HANNA: The yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand supported. It is supported. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote will be recorded.

The roll was called and the delegates voted as follows:

Yeas—55

Balcer	Garvin	Liberato
Binkowski	Gover	Marshall
Bledsoe	Habermehl	Murphy
Boothby	Hanna, W. F.	Nord

PRESIDENT NISBET: Second reading of proposals. The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the order of second reading be passed for the week.

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

Third reading.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders of the day.

SECRETARY CHASE: No special orders.

PRESIDENT NISBET: General orders of the day. Dr. DeVries.

MR. DeVRIES: Mr. President, I move the convention resolve itself into committee of the whole for consideration of certain items on the general orders calendar.

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

The motion prevails. Dr. DeVries.

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

CHAIRMAN DeVRIES: The committee will come to order. When last this committee met, it was considering **Committee Proposal 82**. Upon request of the chairman, we are proceeding section by section through the committee proposal. We have disposed of section a; we are now on section b.

For last previous action by the committee of the whole on Committee Proposal 82, see above, page 980.

The secretary will read section b.

SECRETARY CHASE: The secretary, before he reads section b, has one request to make of the delegates, and we earnestly entreat your cooperation. The staff was here until 10 minutes of 1:00 this morning. That is one of the reasons the journal has not yet been received. Will you please provide us with 3 copies of amendments. This will expedite the business at the desk and enable us to get the journal out a lot more rapidly.

[Sec. b. was read by the secretary. For text, see above, page 980.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Pleasant Ridge, the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I yield to the subcommittee chairman, Mr. Radka.

CHAIRMAN DeVRIES: Delegate Elliott yields to the gentleman from Rogers City, Delegate Radka.

MR. RADKA: Mr. Chairman, members of the committee, this section will be explained by the very capable delegate, Francis Finch.

CHAIRMAN DeVRIES: Delegate Radka yields to Delegate Finch.

MR. FINCH: Mr. Chairman and members of the committee, this section is essentially the same as it was in the 1908 constitution, except that the research and drafting department thought that this would clean up the language. I move its passage.

CHAIRMAN DeVRIES: Are there any amendments to section b of Committee Proposal 82?

SECRETARY CHASE: Pursuant to the minority report of Messrs. Ford, Gover, Sharpe and J. B. Richards,

Mr. Ford offers the following amendment:

1. Amend page 1 by striking out lines 10, 11, 12 and 13 and inserting

"Sec. b. The legislature shall by general law confer upon organized townships such powers of a local, legislative, and

administrative character, not inconsistent with the provisions of this constitution as shall be necessary from time to time to maintain and carry out local government functions within organized townships."

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Taylor, Delegate Ford.

MR. FORD: Mr. Chairman, members of the committee, the minority explanation is contained on page 550 of the journal, if you would like to follow it.

[The supporting reasons for the minority report were read by Mr. Ford. For text, see above, page 981.]

I would like to yield for questions before making any further comment.

CHAIRMAN DeVRIES: The Chair recognizes Delegate Powell.

MR. POWELL: I have a question of Mr. Ford. Mr. Ford, do you feel that this minority report amendment opens the door for home rule for townships? Is that the intention of it?

MR. FORD: I don't believe so, because it still leaves us in the position where there is no inherent power, merely such powers as the legislature shall from time to time confer upon the township. The essential home rule is contained in sections 20 and 21 of the 1908 constitution. The language is framed in a manner that indicates that these units of government, to wit: cities and villages, shall have powers, unless restricted by the legislature. This section, as it reads, still says that the township shall have such powers as are granted by the legislature.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Allegan, Delegate Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I would like to direct a question to Delegate Ford through the Chair, please. Delegate Ford, you seem concerned about the legislature granting powers to the townships. You, apparently, are endeavoring to strengthen that particular section. Does the fact that we have a charter township law in Michigan, which was significantly strengthened in 1960—don't you think that that is all those townships need without any further language in that section?

MR. FORD: I want to point out that we do not, by changing the language in this section, confer any power on the township. What we are trying to do is modernize the rules of construction with respect to the powers granted.

When you get into the 2 cases that I mentioned here, you will find, in the citizens research council's Analysis of the 1908 Constitution, volume 2, page 23, this is a part of the beginning of this question of court construction. We most frequently get into it in zoning. I think the outstanding case, or the one that sets up the rule is Portage Township v. Full Salvation Union. It is not a new case, but it has been cited many, many times for the principle that since the legislature is not directed by the constitution to confer any powers, that when the legislature does, in fact, confer powers on a township or a county, the court is compelled to strictly construe the enabling statute, and this leads to what we consider to be a double standard of court interpretation, when you get into fields like zoning and planning, police and fire protection, building codes, plumbing codes, anything that you want to mention.

I want to point out to the delegate from Allegan that we have no worry, there is no one on this minority report who is at all concerned about the legislature conferring powers on the townships, because we have an entire volume here of Michigan Statutes Annotated with nothing else but powers being conferred on townships. Our only concern is that after they are conferred, we want to have a more definite rule of construction when we go to court on a question arising out of the conferring.

MR. FARNSWORTH: Mr. Chairman, another question for Mr. Ford, and I might say to the committee that this dialogue between Mr. Ford and myself is simply a repeat of what we have been over many times in the local government committee. Specifically, I would like to ask Mr. Ford—he is concerned, I believe, about liberal construction in court interpretations—

when we get to Committee Proposal 84, Mr. Ford, which I suppose we will adopt, it says:

The provisions of this constitution and the laws of this state concerning municipal corporations shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and the laws of the state of Michigan shall include those expressly granted or fairly implied and not inconsistent with nor prohibited by this constitution.

You will recall, Mr. Ford, that we put that in on your advice, and that that was intended to cover this very thing that you are talking about now. I realize that we have not adopted this yet, but we are coming to 84, and that is the language in it.

MR. FORD: I am familiar with 84 because I wrote it, but the problem is twofold here, Jim. We are talking, on the one hand, about construction. We are also talking about a concept here. I think that this is an opportunity to place squarely before the legislature a recognition of the fact that, unlike the prediction in 1908, the automobile has caused an exodus to the suburbs that has resulted in a situation where the township, as a unit of government, has more people living in it today than anybody, in their wildest dreams, would ever have conceived in 1908. I think it is evident from the fact that section 38 of article IV of the 1850 constitution, which we discussed here last evening, was split up in 1908 in such a manner as to indicate at that time that they predicted the 2 units of government at the local level that had the greatest future were cities and villages.

At the risk of incurring the wrath of the village people, I think it has been apparent that, since world war II, in the state of Michigan the village is an obsolete form of government—at least, if not obsolete, obsolescent—in that the village is still a part of the township; its taxes are collected by the township; its elections are conducted by the township, and most of its basic governmental functions are actually township functions, even though it is a village. I am not advocating that we abolish them, but I am pointing out that in this day and age, with the type of transportation we have, when we have people living 30 and 40 miles from their place of employment—and this is not uncommon in the Detroit area—the township has, since world war II, become a more complex and a more used unit of local government, and I think it would be shortsighted, at this time, to fail to recognize this.

I think that this language, as well as talking about construction, Mr. Farnsworth, would clearly indicate our recognition of this as a necessary, continuing form of local government in the state of Michigan.

MR. FARNSWORTH: Mr. Chairman, Mr. Ford, and members of the committee, we, of course, are gratified that Mr. Ford is and always has been a champion of township government, as a majority of us are on the local government committee, including myself.

Now as to this matter of automobiles and the density of population in townships, Mr. Ford, that you spoke of just a few minutes ago, I find that we have 1,061 townships in the state of Michigan, out of a total of 1,258, that have less than 3,000 people in them. I believe you are getting down to the category of the highly populated townships, which we discussed quite thoroughly in the subcommittee and the full committee on local government, and we felt that the law, as it exists now—we even had Mr. Brake in on our subcommittee discussion—and we agreed that charter townships had all the populace they needed, in these more populous areas; that we didn't need to change this language one bit in order to adequately protect them; that they can do everything they need to do.

Members of the committee, your local government committee just does not feel that this language is necessary or even desirable.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Rogers City, Delegate Radka.

MR. RADKA: Mr. Chairman and members of the committee, I would like to briefly explain what thinking went on in the subcommittee and the full committee. The subcommittee originally reported to the full committee that they proposed

the acceptance of the change of the word "may" to "shall". This was their recommendation to the full committee on local government. This, I believe, was accepted by the full committee.

When we reconsidered the section the second time, Mr. Ford offered an amendment to add the last sentence. The committee then felt that changing the word "may" to "shall"—although we did not feel that it added anything as far as changing the legal effect of the section and adding the last sentence did not really, materially change the legal effect of the entire section—we decided that it would be unwise to add words or change words that wouldn't materially affect the interpretation of the section. Therefore, we moved to retain the present language of the constitution rather than just make changes that might not materially affect the legal interpretation of the section, and this is and was the position of the majority of the local government committee and is now the position of the majority of the subcommittee on townships of the local government committee.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegates Ford, Gover, Sharpe and Richards. The Chair recognizes the gentleman from Kalamazoo, Delegate Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I would be happy to support the minority report amendment that has been offered by Mr. Ford. I believe, however, that the substance of what he wishes to accomplish would be accomplished by merely changing the initial verb of "may" to "shall", or I should say the mandatory provision of the word "shall" rather than the permissive provision of "may".

I would like to direct a question to Mr. Ford, as to whether or not he intended to eliminate the word "such" where it has been stricken in the majority report but has not been stricken in the minority report. I believe, once again, in this regard, by putting in the word "such", it tends to have a limiting effect.

MR. FORD: Mr. Chairman, I think Mr. Brown is correct. It was not my intention to reinsert the word "such". This would be inconsistent with what we have already done with respect to counties, putting the word "such" back in. I think that is a point well taken, and I would like to consider the minority report amendment—unless there is an objection from my cosponsors—so revised.

CHAIRMAN DeVRIES: Is there objection from Delegates Gover, Sharpe or J. B. Richards to the revision suggested by Delegate Ford? If not, it will be so revised without objection. The secretary will read the revised amendment.

SECRETARY CHASE: Mr. Ford, with the consent of Messrs. Gover, Sharpe and J. B. Richards, requests the amendment be revised to read as follows:

1. Amend page 1 by striking out lines 10, 11, 12 and 13 and inserting

"Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution as shall be necessary from time to time to maintain and carry out local government functions within organized townships."

MR. G. E. BROWN: I would like to speak once again, Mr. Chairman, to the support of the Ford amendment, at least to the extent of the word "shall". I think what has been said here by Mr. Farnsworth and Mr. Ford points out the fact that there has been a lack of complete attention by the legislature to some of the township problems. I think that by putting mandatory language in the constitution, it would indicate, along with the section that Mr. Farnsworth mentioned in a subsequent proposal, that it is the intent of this convention that adequate legislation, empowering townships to adequately dispose of their problems, is contemplated by this constitutional convention. I, therefore, would support it.

I would further direct a question to Mr. Ford as to whether or not he would withdraw the additional language in his minority report amendment; that language extending beyond the word "constitution"?

MR. FORD: I have no particular brief to hold for the form of the last sentence in this provision, except that it merely, I suppose, reiterates the principle of the fact that we are talking about governmental powers. I assume, because of the location of this, and the context that it will be in, that this will be unnecessary. If I had the assurance, when this comes back from style and drafting, that by dropping this we have not, in any way, affected its substance, I would have no objection at all.

For the purpose of clearing up any question here this morning, I would accede to removal of the language we added at the end of the minority report amendment, because I don't think it is significant, except it limits what we are talking about here to governmental powers.

CHAIRMAN DeVRIES: Delegate Ford, are you offering to delete the last sentence of your amendment?

MR. FORD: Yes. So that there will be no misunderstanding, I am doing so on the assumption, at this point, that this withdrawal does not affect the substance of our minority report amendment.

CHAIRMAN DeVRIES: The Chair is hardly in a position to rule on that, Delegate Ford.

MR. FORD: I am not asking for a ruling. I merely wouldn't want to consent to it now and come back the next time around and move for an amendment and have it appear that we were acting in bad faith. I am consenting to this on the assumption, at this point, that Mr. Brown is correct. I have great confidence in his ability as a township attorney and an expert in this field.

CHAIRMAN DeVRIES: Do you wish to delete the sentence?

MR. FORD: Yes, I do.

CHAIRMAN DeVRIES: The sentence will be deleted with the agreement of the cosponsors. There being no objection, the sentence is deleted.

The secretary shall read the minority report amendment offered by Delegates Ford, Gover, Sharpe and J. B. Richards, as further revised by the cosponsor.

SECRETARY CHASE: Mr. Ford, with the consent of Messrs. Gover, Sharpe and J. B. Richards, requests the amendment be further revised to read as follows:

1. Amend page 1 by striking out lines 10, 11, 12 and 13 and inserting

"Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution."

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Rogers City, Delegate Radka.

MR. RADKA: If you recall, I stated before that the subcommittee approved the language that you now have before you. The full committee on local government approved this language. They only objected to the last sentence. I am sure that they have not changed their minds; they would, undoubtedly, accept the language as it is now being presented.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Pleasant Ridge, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, I believe, in substance, what Mr. Radka said is correct. However, I must point out that when we got into our full committee, I don't really believe that we had an opportunity to ever finally vote on the word "shall" as being the only change, because when Mr. Ford offered his amendment, he offered it at about the same time as he has done here, and that created the discussion for an hour or so, and at the end of that time we decided that it had so thoroughly confused the issue that we would defeat the amendment and leave the word as "may". That is what we ended up doing.

I think one of the reasons for leaving the word as "may" was because it then made it consistent with what we had just previously done in the standard county provision for a similar section where the word was left as "may". I don't think there is any reason—however, I only speak as an individual now and not as the chairman—why the word "shall"

should not be a perfectly acceptable position for us to take, and, as an individual, I support it.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from East Grand Rapids, Delegate Martin.

MR. MARTIN: Mr. Chairman, just a matter of inquiry. We don't ordinarily change individual words of this kind, from "may" to "shall", unless we are trying to specifically do something here and direct the legislature to do something that it isn't already doing. My inquiry to Mr. Ford would be: what is it that we are now proposing to require the legislature to do which it isn't already doing?

MR. FORD: As I have already stated, we don't intend to direct the legislature to do anything that is not doing. We are attempting to affect the attitude of the courts in interpreting what the legislature does after it does it with respect to townships.

We are also, at the same time, indicating an intent that the legislature shall recognize this unit of local government and confer upon it such powers as shall be necessary to function as a unit of local government, recognizing full well, that no one can mandamus the legislature to do anything, and recognizing also that since world war II and before, the legislature has conferred upon the township, on a permissive basis, practically all of the powers of local self government, and, as a matter of fact, we are now at a stage, with rather recent legislation, where I think we have practically all of the police powers of a city. So it is not a question of worrying about the legislature failing to come up with the adequate powers; it is a question of whether or not we want to be consistent.

I might point out, Mr. Martin, that, as we discussed last night, in 1908 we had a county, a township, a village and a city mentioned. In the last 3, we talked about the legislature conferring powers upon the unit of government, while with respect to the county we talked about conferring powers upon the legislative body of the unit of government. So, when we used the word "may" with respect to the counties last night, I made no objection because here we are talking about conferring powers on a legislative body rather than upon a unit of government, as such. At this point last night, we were still not recognizing the county as an integral unit of local government. I assume the reason for not wanting to do it in that section is because there is a home rule provision coming later.

There is no home rule provision coming for townships later. All we are saying here is, by using the word "shall" we then become consistent with the language in sections 20 and 21, and we recognize 3 basic units of local self government, to wit: the township, the village and the city.

MR. MARTIN: It just seems to me that the language which the committee has recommended here is entirely satisfactory language. As Mr. Ford says, under it the legislature has delegated or has provided complete legislation for townships. I still am not entirely clear about the reason for the change, and I think it may only involve further court confusion on the court's part as to what we meant when we made this change from "may" to "shall"; as to whether we were, in some way, saying that no action can be taken which might withdraw any of these powers or readjust any of these powers which the townships have. I don't say that we should be or we want to be, but I think it only creates confusion to make this particular change.

I think the committee's recommendation was a sound one.

CHAIRMAN DeVRIES: The question before the committee of the whole is the minority amendment to section b offered by Delegates Ford, Gover, Sharpe and Richards. The secretary will read the revised amendment.

SECRETARY CHASE: The amendment now is:

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

CHAIRMAN DeVRIES: The Chair recognizes the lady from Dearborn, Mrs. Cushman.

MRS. CUSHMAN: Mr. Chairman and delegates, the thing that I would like to speak to is this question of "may" or "shall". I, as you know, am not a lawyer, but I have checked

this out, and I think there would certainly be a clear implication of a change in our intent of handling townships if you change something that has been reading "may" to something that reads "shall".

I think, furthermore, we ought to recognize here that your problem apparently is with the more populous, the urban townships, and that they do have a remedy, in that they can become cities. Many of these townships have refused, more than once, to become cities. The only implication that you can draw from this is that they prefer their township status for some reason or other. If they prefer it, I don't see why we want to change this sort of thing. Thank you.

CHAIRMAN DeVRIES: The question before the committee is the Ford amendment. The Chair recognizes the gentleman from Taylor, Mr. Ford.

MR. FORD: I think there is almost a fear on the part of some of these people from the smaller cities towards the large townships that surround them. Mrs. Cushman happens to be joined by townships that are very close to inundating them in population and are certainly much larger in area at the same time. But the problem we are dealing with here has nothing to do with the peculiar problems of an urban township. It has to do with the issuance of any kind of bonds that a township might issue; it has to do with the question of leasing a piece of ground for a library—an experience that we recently had in our township. No one here is going to submit that only the urban townships are concerned about libraries and parks. I understand that some of them over along Lake Huron are in the business of providing marinas and things of this kind. These are the small townships that are doing it. This should not be considered, in any way, as a matter relating itself to one type of township or another.

By the same token, in fairness, I want to say that this would apply with equal force to a charter township, because, notwithstanding the fact it becomes a charter township, it is still governed by the general laws of the state as contained in this constitution with respect to townships.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Madar.

MR. MADAR: Mr. Chairman, we had quite a discussion in the local government committee on this subject. In fact, I think we heard more about townships, and especially townships of a larger size.

I think I have studied government for a long enough period so that I understand what is archaic and what is modern. I can understand how a lot of people like to go along with old ideas, historical ideas, like to keep them with us, like to look at these old things. Frankly, I propose that we ought to do away with townships and villages and have 5 different classes of cities. I think it would have been a very good idea.

Mr. Ford, on a couple of occasions this morning, has stated that the smaller townships want this. It is rather strange to see that it is a township of approximately 40 some thousand that is so insistent on getting more power for townships. We also hear that the township of Taylor has done just about everything in its power to become a city. Yes, they have done everything in their power except cast enough votes to become a city. They want to remain a township. There are definite advantages in Wayne county for the larger townships to remain townships, and that definite advantage is that there are tax advantages, to a degree.

We hear Mr. Ford—and I am quite sure that after I get through he is going to say this so I might just as well say it to keep him from getting up, I imagine he is quite tired this morning—say that the township pays more taxes than the cities do. If that is the case, the only reason they are doing it is because they have to have the things that they are paying for, and they still need more.

The committee did vote for the word "shall". They voted to put it in. They took the word "may" out. Whether the legislature has to do anything or not, I don't know. I have always said that we are superior to the legislature and to the supreme court. It is my thought that the people elected us to come up here to tell the legislature what to do, to get this law established, and it is the basic law upon which they will work.

There are some 50 attorneys, as I understand it, in this convention. I think it is about 56, if I am not mistaken. However, I say this: that somehow or other, we ought to find a means of making the legislature do what this constitution says it shall do, and the word "shall" should mean that they must, absolutely must, and not just through a mandamus. In fact, if I were an attorney, some way I would find a way, or possibly I would have education enough so that I could say, "If you don't try to do it, at least try to do it, you will go to jail for not having tried."

I am in favor of the committee's proposal.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Howell, Delegate Sharpe.

MR. SHARPE: Mr. Chairman, Mr. Madar, I didn't know, for quite awhile, what side of the fence you were on. I would like to make an observation, and it seems that some people are worried about this township and are not willing to give it the necessary tools to do the necessary things that the people would like to have happen in a township.

If we are going to be consistent and we are going to go to home rule for counties, I believe that we should strengthen some of these townships. We have townships that are going to be damaged if we adopt a home rule for counties, in many counties in Michigan, especially in Macomb county. We have some townships in Macomb county—and I will refer this to Mr. Rush, if he desires to speak on it—where the lower 25 per cent of the area of the county can outvote the county and therefore they could institute a county home rule.

I believe that we should give the upper 2/3 of the counties some special consideration. I believe that these people may have imposed upon them a form of government that they would not want, and I am not talking against home rule. I would like to make my position definitely clear, that I believe we should be consistent in this convention and that we should strengthen local government whenever and wherever it is possible.

CHAIRMAN DeVRIES: The delegate from Howell yields to the gentleman from Romeo, Delegate Rush.

MR. RUSH: Mr. Chairman, ladies and gentlemen, we do have that situation in Macomb county that Mr. Sharpe has referred to. We have 9 townships in the north end of the county that are rural. The south end is metropolitan. If we should have a county home rule form of government and it was a vote of the people at large, the north end would get very little consideration.

I believe that any form of county home rule government should have some area provision in it. I believe the delegates here have recognized that necessity, as far as the state senate is concerned, to give consideration to area, and I believe there should be a provision of that nature in any form of county home rule government.

CHAIRMAN DeVRIES: The question before the committee is the minority amendment, as revised, offered by Delegates Ford, Gover, Sharpe and J. B. Richards, and the secretary will read the amendment once more.

SECRETARY CHASE: The amendment is:

[The revised amendment was again read by the secretary. For text, see above, page 990.]

CHAIRMAN DeVRIES: Does the delegate from Flint, Delegate McLogan, wish to speak on the amendment?

MR. McLOGAN: Mr. Chairman and members of the committee, I think that this one word change is important. I think that it is substantial or may be substantial. I think it implies a change or a desire for a change. I don't think that experience would dictate that greater power for townships is warranted or is desirable. I would agree with Mrs. Cushman that in the areas where more power is needed, the recourse is clear; urban townships can become cities.

I would support the position, as a member of the local government committee, of the majority opinion.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Howell, Delegate Sharpe.

MR. SHARPE: Mr. Chairman, all townships that we are referring to are not necessarily townships of 73,000 people. We have problems in townships of 5,000 people that couldn't possibly become cities and the people wouldn't want to become cities, anyway. I believe that we have a distinction here. I am quite certain that the people from the metropolitan areas, or the cities, such as Mr. McLogan and Mrs. Cushman, are primarily interested in these townships with fat populace, and this is not the entire concern. We are also concerned about the 4,000 and 5,000 population communities which are called townships.

CHAIRMAN DeVRIES: The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, you now have heard the arguments of the local government committee in detail. I don't think there have been any left out, and, inasmuch as you now have gone through the entire substantive debate, along with us, for the last 45 minutes, I move that we vote.

MR. MADAR: Mr. Chairman, I rise to a point of order.

CHAIRMAN DeVRIES: State your point of order, Delegate Madar.

MR. MADAR: My point of order is I would like to make a correction here. Information has been given that townships of 12,000 cannot become cities. That is not correct. They may become cities if they so wish.

CHAIRMAN DeVRIES: That is not a point of order, Mr. Madar. The Chair recognizes the gentleman from Kalamazoo, Delegate Brown.

MR. G. E. BROWN: Mr. Chairman, delegates, I think that we have belabored this point enough. As was pointed out by the chairman of the committee, this was the language that was originally thought to be included in the proposition. We are only changing the word "may" to "shall". I would suggest that we vote, and I urge a yes vote on the amendment.

CHAIRMAN DeVRIES: The question before the committee of the whole is the amendment offered by Delegates Ford, et al, to section b. The secretary will read the revised amendment.

SECRETARY CHASE: The amendment is:

[The revised amendment was again read by the secretary. For text, see above, page 990.]

CHAIRMAN DeVRIES: The question is on the minority report amendment. All those in favor say aye. All those opposed, no.

The amendment, as revised, is adopted.

A DELEGATE: Division.

CHAIRMAN DeVRIES: A division is requested. Is there support for a division vote? There is support. All those in favor of the amendment, vote aye. All those opposed will vote no. This is the minority report amendment, as revised, offered by Delegates Ford, Gover, Sharpe and J. B. Richards to section b. The secretary will lock the machine and tally the vote.

The Chair votes no. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Ford, the yeas are 63, the nays are 56.

CHAIRMAN DeVRIES: The amendment, as revised, is adopted. Are there any further amendments to section b of Committee Proposal 82? If not, it will pass.

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

SECRETARY CHASE: Section c.

[Sec. c. was read by the secretary. For text, see above, page 980.]

CHAIRMAN DeVRIES: The Chair recognizes Delegate Radka speaking on behalf of the committee.

MR. RADKA: Section c is section 18 of the present constitution, and this section will be explained by Delegate William Suzore, and I yield to Bill Suzore.

CHAIRMAN DeVRIES: Delegate Radka yields to Delegate Suzore.

MR. SUZORE: As you will note, the time of the holding of the election has been deleted from this section. The time of the election of the township officers has been left to the article on elections.

The committee recommends a minimum term of 2 years, permitting the legislature to extend the term to 4 years if they so desire. This is to give flexibility to those townships which might desire, if the legislature should so provide, to provide for a 4 year term for their township officers.

The committee on declaration of rights, suffrage and elections has concurrent jurisdiction on this matter, and has offered no objection to the recommendation of the subcommittee or the committee. The committee recommends the elimination of the township highway commissioner as a constitutional officer, since the township highway problem is no longer present. As you probably know, township highways are under the jurisdiction of the county highway commission.

The committee recommends the elimination of constables as constitutional officers, as the need for their services can be and is now provided for by statute.

The committee recommends that the office of township trustee be established in the constitution, since it is a basic part of the township structure. We concluded that all active township officers should be provided for in the constitution.

The committee recommends deletion of the following sentence, and you will note it struck out in your copy:

Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the provisions of this section providing for biennial township elections.

Since justices of the peace no longer serve on township boards because the Michigan supreme court has determined that they are judicial officers, we concluded that the problem of the justices of the peace is primarily a matter of the judicial committee and not a local government problem, and our recommendation is not to be construed to mean that we recommend the abolishment of the justices of the peace.

I would like, at this time, to yield to Delegate Ford of Taylor for any further comments he would like to make on this section.

CHAIRMAN DeVRIES: The gentleman from Lincoln Park yields to the gentleman from Taylor, Delegate Ford.

MR. FORD: It is my pleasure to agree with the majority on this section. However, we agreed on the conclusion without agreeing entirely on the reasons.

With respect to the question of the constables, I think it ties itself in very closely with the question of whether there is going to be a local court system in townships, because if this convention determines to permit the legislature to have a local court system, then we will have to leave the way open and provide for the continuance of the local court officer, who is the constable, in many parts of this state. I agreed with the committee in taking away the constitutional status of the constable, on the assumption that some place in this constitution, before we are finished, we will have a provision—perhaps under Mr. Erickson's section—that will continue officers who derive their original powers from the constitution, until such time as the legislature has an opportunity either to pick up these powers by statute or to discontinue them by conferring them upon someone else.

The reason that I bring this up and call it to your attention is that we would want to be very sure, when we have gone through the constitution completely on this first go round, that when we are through we have provided for this continuity, because it is my belief that although the statute now provides for the method and for most of the duties of the constable, his creation and being is as a result of being a creature of the constitution, and we would want to be sure that we are not abolishing his existence, while leaving his powers in the statute. This is exactly what happened in reverse with respect to the highway commissioner. He is in the constitution, but he has no duties. At least, we haven't been able to find any.

I would like to reemphasize what Bill said about the committee's removal of the language with respect to the justice of the peace. This language is language that had a very short

term meaning, and it came into the constitution as a result of an amendment in the middle '40s or early '40s, when the township board went from 1 year terms to 2 year terms, and was in the constitution solely for the purpose of making the transition because the justice of the peace was a 4 year term.

One more thing that isn't mentioned here is that presently, in the township, the trustees are statutory officers and they do have 4 year terms. The board of review has a 4 year term. The justices of the peace have 4 year terms. What this would do, in effect, would be to make it possible for the legislature to have all of the township officers run at the same time, and have concurrent terms, by making it possible to provide for the supervisor, clerk and treasurer—the only 2 year terms left now at the township level—to be put on the same basis as the others, or to, in fact, reduce the 4 year terms back to 2, if they thought it was a wise thing to do.

It provides some flexibility at the legislative level, with respect to this question of terms, that wasn't there before.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen, I would like to ask a question or so of either Mr. Ford or Mr. Suzore. I understand that one of the functions that we have in this convention, that most people agree on, is that we are trying to strengthen local government, and in this regard I would like to ask that under the township set up at the present, I believe that the legislative function is performed not only by the trustees, but a vote in the legislative function is also had in most townships by the so called executive members, that is the treasurer and the clerk and so on.

The thing I want to know is, did the committee make any effort to discuss the possible separation of this and allow only a vote, in the legislative function of the township, to be to the trustees and the supervisor?

CHAIRMAN DeVRIES: Do you wish to yield to Delegate Ford?

MR. YEAGER: Yes, I will.

MR. FORD: I don't think that the committee formally considered this separation, but we are dealing with a traditional structure that is not unlike the county. There is, in what you say, a decided disadvantage, in that in the standard township you have no chief administrative office who is, by law, comparable to a mayor in a city, for example.

I have made the statement in the committee, and I think there are many who agree, that a township supervisor is, in many instances, about as strong an executive as his personality permits, because, while we do not confer powers upon him, we also do not conversely put the same restrictions on him that a mayor has. So, he acts as, in many instances, the chief administrative officer—and this is by reason of many statutes that specifically say he shall have the power to do thus and so—and he performs ministerial duties as well, and then, subsequently, he is a member of the legislative body.

The alternative to permitting the treasurer, clerk and supervisor, who are ministerial and executive officers, to vote on a township board, would be to provide for a larger group of trustees, because as the statute now reads, and as the constitution would continue to permit the statute to read, many townships have only a 5 member board: clerk, treasurer, supervisor and 2 trustees. They can, if they are, I believe, over 5,000, have a 7 man board, but this is an election they make at the local level, and in all of the larger townships, they do function with a 7 man board, and they have 4 trustees.

MR. YEAGER: Mr. Chairman and Mr. Ford, you don't believe that this is a vital point that should be gone into at greater length?

MR. FORD: It has been gone into by the court. In 1952, it was held, in the Township of Dearborn v. Dearborn Township Clerk, Glenn E. Dail, it was held that the township justices of the peace—there were formerly 4 justices of the peace in each township—were not only judges but they sat as members of the board, and in that Dail case, they held that this was a violation of the separation of powers doctrine, and held that the justice of the peace could no longer sit. So we

went through a very short period where all the townships of the state had 3 man boards.

The governor called the legislature into special session, and they adopted a statute creating not less than 2 nor more than 4 trustees, at the option of the townships that were large enough to make the option. This is how we came to this at this point, but I don't believe that the commingling of the supervisor's executive duties with his legislative duties has ever been raised in any of the courts. I am not aware of any such case.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Lincoln Park, Delegate Suzore.

MR. SUZORE: Speaking to the point of Delegate Yeager, I might say that neither the subcommittee nor the committee considered the thinking of Delegate Yeager. I think probably he raises the question because at the present time, cities throughout the state, in their home rule charters, do not provide for the treasurer or the city clerk to have a voice or a vote in the council, or the governing body of the city, and I think that it was felt that this should be left in, that the treasurer and the township clerk should have a voice and vote so as to strengthen and to provide the historical value of the township board and the traditions that have gone with it over a number of years.

I think, also, that there is some thought among the people in the township group on our subcommittee that this should not be disturbed at this time.

CHAIRMAN DeVRIES: Delegate Yeager.

MR. YEAGER: Mr. Chairman, I should like to ask if some people here, that have been involved in township government outstate, would care to comment on this question.

CHAIRMAN DeVRIES: The gentleman from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, Mr. Yeager, Mr. Suzore, I see nothing in this language that says that the township board or the legislative body of a township shall consist of the supervisor, clerk, treasurer, and not to exceed 4 trustees. The legislature could, by law, say that the legislative body of any township will consist of the supervisor and the elected trustees. This language merely defines the officers. It creates no legislative body. It leaves to the legislature the power to prescribe the duties under these. The legislature could, under this language, make the supervisor a clear cut executive of the township, and I believe they should so do.

But, we have not spelled out any prohibition or any requirement that the clerk and treasurer be a voting member of the legislative body. I believe that this language leaves to the legislature the power to define the executive department within the framework of an elective supervisor, clerk and treasurer, and also to define a legislative body within the framework of the 3 officers, plus such trustees as may be elected by law.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Lincoln Park, Delegate Suzore.

MR. SUZORE: That was the point that I wished to make. We made no change, and that was in answer to the question of Delegate Yeager.

CHAIRMAN DeVRIES: Are there any amendments to section c of Committee Proposal 82?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN DeVRIES: If not, it will pass.

Section c is passed and the secretary will read section d.

SECRETARY CHASE: Section d.

[Sec. d. was read by the secretary. For text, see above, page 980.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Rogers City, Delegate Radka.

MR. RADKA: The subject matter of this proposed section was submitted to our committee by a delegate proposal sponsored by Delegates Charles Follo and Mrs. Cushman. It received a great deal of consideration in the township government subcommittee and in the full committee. The substance of

MR. SLEDER: Mr. Chairman, I should like to withhold that question for a moment, if I may, and yield the floor to Mr. Madar. I was not aware that Mr. Burton Richards was not on the floor at this time, and I would like to have Mr. Madar cover the rationale on this section.

CHAIRMAN DeVRIES: Delegate Sleder yields to the gentleman from Detroit, Delegate Madar.

MR. MADAR: Mr. Chairman, this was up to Mr. Richards to take care of, and, in fact, I would much prefer he did, because I have a minority report in on that.

CHAIRMAN DeVRIES: Delegate Richards has entered the chamber, Delegate Sleder.

MR. SLEDER: Delegate Richards, would you want to cover the rationale for section e relative to township franchises?

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Eau Claire, Delegate Richards.

MR. J. B. RICHARDS: I am sorry that I was outside at the time.

[The supporting reasons to Sec. e were read by Mr. Richards. For text, see above, page 981.]

Also, may I comment that many of the people may not get the services of the franchise for several years after the vote.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, I am sorry there was a little confusion; however, I have been able to satisfy Mr. Higgs privately. There is, elsewhere in this article on local government, a provision which limits the length of term of franchises to 30 years.

CHAIRMAN DeVRIES: Are there any amendments to section e of Committee Proposal 82? If not, it will pass.

Section e is passed.

Are there any amendments to the body of Committee Proposal 82?

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the committee proposal and inserting:

"The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties, cities and villages. Each such political subdivision shall have such powers as may be prescribed by general law."

CHAIRMAN DeVRIES: Mr. Pollock.

MR. POLLOCK: Mr. Chairman and members of the committee, I hope I can provide some contrast to the tedious and rather useless discussion we have had this morning on townships. I do this because I came here, and I think we all came here, for the purpose of trying to modernize our constitution and to strengthen state and local government, so that they could perform their functions more effectively within the federal system.

I still adhere to the idea that we need strong local government, and it seems to me that this is what we have not gotten from the committee in its presentation about townships. I had hoped that this would give us an opportunity to reexamine the whole structure of local government and to see what is wrong with it. There are, obviously, a good many things wrong with it, and I am sure that in the total presentation of the committee, a number of improvements are going to emerge.

But, so far as this section on townships, which we are now discussing, is concerned, it seems to me that we have done a little tinkering, a little pasting here, a little pasting there and have not really faced up to the problem presented by the townships.

I don't propose to make a speech attacking townships. I am not even proposing the elimination of townships, although this is something that I think at some time, certainly within our lifetime, will have to be considered. I am merely proposing what seems to me to be a sound procedure by which townships, instead of being embalmed in the constitution, shall die a natural death by statute. It seems to me, in other words, that this whole field is not now a proper field for constitutional

action. I see no reason why the townships should be preserved in the constitution and we should worry about whether they are elected for 2 years or 4 years, and I do congratulate the committee that at least they eliminated the commissioner of highways, a position which hasn't existed, anyway, I believe, since 1934, although some townships, I understand, have still continued to choose commissioners of highways.

I congratulate them, too, on eliminating that old ancient relic known as the constable, but, after all, this was tinkering. This wasn't really facing up to the problem of what is a township, do we need a township, and is it necessary and is it helpful in the present local government situation? It seems to me, as I have said, that I think townships should not be given, in this constitution—this modern constitution we are drawing up—constitutional status.

I think the legislature should be free to consolidate their functions or to regulate their functions, but particularly to consolidate their functions into one of the other forms of local government. I certainly do not feel that we need 1,258 townships in addition to 83 counties. I do not feel that we need as many service oriented forms of government as we have at the present time. This involves villages as well.

I am interested to provide for the natural growth of a strong, vigorous local government. We are told that in a very short time, Michigan will have a city density, across the whole southern edge of the state. I doubt seriously if townships can be expected to cope with the service problems that will be created by this situation. I see no reason why cities need to be kept in their present straitjackets, at the same time the taxpayers continue to refuse to face up to their developmental responsibilities. I feel that the state needs to assert its legitimate and overriding interest in the health and economic future of all these growing areas.

Michigan's pressing need, at the present time, for a good industrial climate—which, after all, involves the availability of city type services to large areas of undeveloped land—demonstrates to me the urgency of the problem of local government in Michigan.

Our present population explosion is bound to accentuate the very acute needs that are already in the offing, in such matters as water conservation, sewage treatment, traffic control, urban renewal, airports and other huge governmental undertakings at the local level.

I think the new constitution has to empower local units to meet these tasks promptly and efficiently. Inherent in this solution it seems to me, would be a resolution of the present friction between cities and townships, friction which undoubtedly exists. These are the neighboring and, basically, I think, inconsistent forms of local government now prevailing in Michigan.

Cities are formed to govern and provide all kinds of services in areas having a high density of population. Normally, these areas have already accumulated the necessary central service facilities. They have an adequate tax base to provide the high level of services that are demanded. They have grown from natural drainage courses or basins. But townships were fashioned from surveyors' lines, without reference to the character of use given or its topography, in order to provide a minimum of governmental control, protection and record keeping.

As our growth from adjoining cities has taken place, rural areas have become urban, our legislature hasn't insisted upon political growth or accommodation, but it has adopted merely a patchwork of statutes conferring additional powers to permit townships, in some cases, to act like cities. This has weakened the cities a great deal. Also, large rural areas, I think, should not be forced into subservience to a populous suburban corner which obviously adjoins a nearby city from which it really grew.

I feel that the typical township is quite incapable of handling the vast demands of the native public. It hasn't any central plan, it has no topographical feasibility, it usually doesn't have a diverse tax base.

A mere recitation of all the needs and the complexities in high density areas, needs that are leaning upon units of local

government, I need not cite to you. But presently, city growth occurs rather naturally. It follows highways, it follows telephone, electricity and so on; but the trouble is, here we come into the difficult partitioning process, the problem of annexation, I believe—although I haven't yet had time to study all of the proposals put out by this committee—and I understand the very serious problem of annexation is dealt with in one of the proposals, and I pass over that. But this is a very serious problem. Cities are becoming stunted by what I would call the "township straitjacket", and they are expected to serve areas, but actually, because of this straitjacket, many times are not able to do so.

To be very brief, I merely want to present to this convention—I certainly couldn't sleep very well if I didn't know that the convention, at least, had an opportunity to pass on the broad problem involved here of whether we want a flexible constitution, whether we want to put into the constitution unnecessary material, and whether we feel that the problems of local government do require some modern treatment.

I feel, briefly, that we only need 2 areas, 2 forms of local government; that is the county, which is area oriented, and the city, which is service oriented. Consequently, I do not feel that we should embalm the townships in the constitution for another 50 years. I think the legislature should have the flexibility to handle the development of local government in a natural way.

Some 28 states of the union have gotten along without townships, despite the fact that we have now, I believe, 1,258 of them, with all the cost of maintaining them. A county sized unit could provide all the functions now performed by townships and do them in a more orderly and equitable fashion.

In other words, without moving to abolish townships—which would be a very shocking thing and perhaps even a disturbing thing to do—I am merely suggesting that we no longer need to preserve townships in the constitution and that we give the legislature the power to handle these and other related emerging problems by statute.

I am merely asking you to do a little basic rethinking of the role of cities and of the other forms of local government in outstate, and to take a somewhat fresh and flexible approach in the future. (applause)

CHAIRMAN DeVRIES: The question before the committee is the Pollock amendment to Committee Proposal 82. The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Dr. Pollock, members of the committee, I have a great deal of respect for Dr. Pollock and for his views, and I feel that if his points were taken at a constitutional convention where we had no history of government behind it, that the position might be well taken.

I would like to point out to the committee that this state of ours has, over the years, utilized to a high degree—particularly in our areas that are not as urban as the Doctor was talking about—this form of government, township government. It is satisfied with this form of government, and this form of government meets its needs.

Our committee on local government made quite exhaustive studies in the last 3 months, as to the various forms of government that are available to our people. It was our considered opinion that, with the other provisions that you have not yet had an opportunity to hear debated on this floor, we were strengthening the ability of the existing forms of government to meet the needs of its people, whether they be urban or whether they be rural.

I think when you are writing a constitution for people you have to also consider something besides the pure approach to structure. You have to consider the background, the temperament and the emotions of those who are involved. There are over 7,800,000 people in the state of Michigan, and many of them—not all—many of them are completely cognizant of the township form of government and are eminently well satisfied.

I respectfully disagree with the good Doctor in his resultant position, although I do agree in theory with some of the positions he took in his report, and I would like to urge the defeat of the amendment.

CHAIRMAN DeVRIES: Delegate Farnsworth.

MR. FARNSWORTH: Mr. Chairman, members of the committee, Dr. Pollock, I, of course, hesitate somewhat to take issue with the world renowned political scientist, our colleague from Ann Arbor, but I must do so. Dr. Pollock has mentioned embalming the townships. It is true he has said that he didn't want to embalm them at the moment, but I submit that he certainly is getting them scheduled for that very thing. He wants to kill them off, and as surely as he kills them, somebody is going to have embalm them.

Now, Dr. Pollock asks, "What is wrong with local government?" Well, one of the things, Dr. Pollock, that is characteristic with all government is that local government costs too much money. There isn't any question about that. And, "What is helpful about townships?" One of the things that is helpful about them is that they don't spend quite as much money as other units of government.

I am talking now about the 1,061 townships in the state of Michigan that have less than 3,000 people. As the chairman of the committee indicated, that government satisfies those people. It does an adequate job for those people. It does keep them interested in local government. They take their town meetings and they take their elections quite seriously. Out in our territory, they think quite a lot of that government; they don't want to give it up. And I submit to you that anything that keeps people interested in government at the local level is good.

We had a lot of testimony in our committee, and our advisor, Dr. Adrian, wrote to the Pennsylvania State University for some information about townships in the state of Pennsylvania. He got a return reply from a political scientist who is associate professor of political science and public administration at the Pennsylvania State University, and this is what the professor said in reply to Dr. Adrian's letter—and this is directed to Dr. Adrian:

Any political scientist would be horrified at the structure form of the township. Traditionally, it lacks a strong executive, it possesses the kind of power dispersion of most rural forms of government, and so on and so forth. He further says that,

The structure could cause an observer to wonder why any community would wish to embrace such an archaic form,

and then he goes on to say,

However, if the organizational structure is successful in providing basic services, people are probably disinclined to question the structural forms used in the process.

Then he ends up by saying,

In general, then, the consensus of political judgment would tend to agree with this statement, "The township has succeeded in providing basic services to the suburban areas, in spite of, rather than because of what it is."

So, don't you see, you get conflicting opinions from political scientists, and we had a lot of them in our hearings on local government.

Now, I just say to you, these 1,061 townships—not the 1,258—that are in the predominantly rural areas—have less than 3,000 population in them, and they are the ones we are primarily concerned about; they do a good job for what they were designed to do; they are adequate; they keep the people interested in their local affairs, and we should not, by any means, provide any kind of a schedule that would eventually require embalming those townships.

CHAIRMAN DeVRIES: Does the gentleman from Howell, Delegate Sharpe, still seek recognition on the Pollock amendment?

MR. SHARPE: Yes, Mr. Chairman. Dr. Pollock, I would like to state this fact, that I am happy that we did please you to at least some small degree by abolishing some of the township officers which we do not use any more. However, I would like to also say that we, I believe, all came to this convention with the same purpose in mind, plus the fact that we would like to draft a document that would be acceptable to the people. I believe, sometimes, that we are losing sight

of the fact that the people are going to vote on it and not just this convention.

I am surprised that the state of Michigan has come along as well as it has for so many years with so many serious things wrong with our constitution. I cannot agree with Dr. Pollock with regard to the township not being able to handle its problems. It has done well so far.

In regard to the lower half of Michigan becoming a city, I can remember very distinctly, probably 30 to 35 years ago, when the pavement between Grand Rapids and Detroit was first laid out and paved, that the consensus of opinion then was that one of these days soon we will have Detroit reach out to Fowlerville. This has never happened. As a matter of fact, it hasn't even hardly gotten past Redford. I am not so sure that we are going to have a vast city in the lower half of Michigan.

In regard to this township business, I don't believe that any of us here will ever live long enough to see the day that the township is not a vital form of government within our community. It is a basis of your political parties and if you are interested in centralization—which I am strictly opposed to—than I would say that you might be interested in doing away with the township. But, as soon as you do away with a political organization, you are losing interest by the people.

I think, possibly, that this might be the motive of some people in this convention, and that is to create lack of interest in this political organization. I believe that we should maintain both political parties, very strongly and vigorously, and these things start at home, where everyone knows everyone, and they get around at the town meeting, and are really interested in their politics.

I say that argument for the sake of argument is good, as things, always good, come from a compromise.

I would wholeheartedly support the committee proposal, and absolutely like to have you all vote against Dr. Pollock's amendment.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Pollock. The Chair recognizes the gentleman from Bad Axe, Delegate McAllister.

MR. McALLISTER: I oppose Dr. Pollock's amendment and am in favor of the committee proposal. I don't claim to be any political theorist, but I do claim to have practical knowledge of township government. The township government is more than a matter of legislation. The township supervisor aids people in getting welfare, aids people in getting into the hospital, committed to institutions; in fact, he is, in effect, the advisor of the people in the area.

At the township level, on settlement day, why, everything is gone over with a magnifying glass, and I say it is the best form of government and the closest government of the people in Michigan.

I don't see how anybody can look through a crystal ball and see what is happening all over Michigan. I am definitely in favor of retaining the township.

Another thing, in township government you have your supervisor, and he is a part of our county government. So even the smallest unit of the county has representation there. I think the combined judgment of those people from the different areas of the township is far better than any other form of government, because those people are closely scrutinized, their county expenses are closely scrutinized, and taxes are not saddled on a smaller area to a greater extent than they are on a bigger area. Also, the benefits, where you have a township form of government and a board of supervisors, are pretty equally spread out throughout the county.

When we destroy township government, we are coming into centralized government. We have too much centralized government already. It seems to me that we have a group here who would like to make it more centralized. I have been outside of this country, in many areas, and have observed the governments, and where you have it centralized where townships don't exist, you may go to the courthouse 50 miles away from where you live and find that all the crew is out fishing. But, you won't have that as long as you maintain township government.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Madar.

MR. MADAR: Mr. Chairman, fellow delegates, I don't think I have ever heard anybody talk about good government and actually speak the truth as well as I have heard it expressed this morning by Dr. Pollock. I have disagreed with Dr. Pollock on more than one occasion. I have disagreed with many of you people, the rest of the delegates, on more than one occasion, and I have been with you on occasions. One thing I don't think anybody can take away from me and that is that I do believe in a good, modern form of government.

Let's just see what is wrong. I don't believe that Dr. Pollock or I actually believe that we ought to cast out, completely, a small township form of government. Let's look at what we have here. Years ago, delegates met at a constitutional convention, just as you and I are doing today, and they felt that we must have a small, local unit of government, but that didn't mean that the township would have 15,000, 20,000, 30,000, 40,000, 45,000, or 80,000 people. They were thinking in units, local units of 500, 1,000, 1,500, 2,000 population, and that is what township government meant to them in those days. This is something we have completely forgotten. What we have done now, we have gone up to where a township is 80,000 population, 90,000, if you please.

Talk about centralizing government, aren't we centralizing government if we would call the city of Detroit the township of Detroit? What would be the difference in centralizing government? That would make it as bad as Russia or a lot of other places.

Just as you say that cities would centralize government—oh, let's be honest with ourselves. Some time ago, in local government, I was quite angry because I heard—yes, smile, if you please, I am angry now, but not as angry as you may think; this is my method of speaking. Frankly I am not as angry as much as I sympathize with you. I have sympathy for you, not sympathize with you because you are not thinking clearly. There are too many of you who are thinking strictly of, what have I got in this particular government which gives me something in this pocket which makes me a big shot.

When I said that the greatest deterrent to good government would be the big frogs in the little pond, and the petty politician who is striking out for himself—I say this. You may tell me that your people don't want this, but I say, take your petty politicians, take your big frogs out of that little pond; dump them on a big island out in the Pacific ocean and then let those people get 4 or 5 people on a committee and I will guarantee you that they would throw out your archaic government so fast that it would make your head swim, not you, trying to swim back from that island to the mainland to try to be a big boss in a little pond again.

CHAIRMAN DeVRIES: The Chair reminds the committee that we are discussing the Pollock amendment. The Chair would point out that there are 8 people seeking recognition, and the Chair will recognize the gentleman from Flint, Delegate McLogan.

MR. McLOGAN: Mr. Chairman, just one brief word here, without taking sides in this matter before us. As a member of the committee on local government, I would like to point out that we did not formally consider or debate such a proposition as Professor Pollock has just submitted. The local government committee did not take a vote on any such proposition as that. Therefore, I do not think that the committee of the whole should make any inference from the fact that there was no recommendation with regard to the proposition submitted by Professor Pollock, and I would say only one further word, that the Professor's proposition, as he so clearly outlined, does not destroy township government, it merely provides the flexibility and the change that we, day by day, give lip service to.

CHAIRMAN DeVRIES: The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Would the Chair tell me how many names you have on your list?

CHAIRMAN DeVRIES: At the present time, Delegate Elliott, there are 8 people seeking recognition.

MR. A. G. ELLIOTT: I move the committee rise.

CHAIRMAN DeVRIES: Delegate Elliott moves the the committee do now rise. All those in favor will say aye. Opposed, no.

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Dr. DeVries.

MR. DeVRIES: Mr. President, the committee of the whole has had under consideration several items on which the secretary will give a more detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 82**; 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: Announcements.

MR. WOOLFENDEN: Mr. President, I would like to rise to a point of personal privilege.

PRESIDENT NISBET: You may proceed.

MR. WOOLFENDEN: Yesterday, at the conclusion of our session, Delegate Ford questioned the accuracy of a report that I had given to this convention and implied that the statement that I had made was not accurate with respect to the approval of the judicial branch committee on the committee's amendment to its own proposal which I presented for the committee last Friday. The report attached to the amendment stated that the action of the committee was unanimous.

I have in my hand the tally of the committee clerk on the action taken on February 7, which shows a unanimous vote of 16 members of the committee, then present, voting on the matter. Delegate Ford was absent from that session.

I would just like to correct the implication that the report which I gave was not accurate.

PRESIDENT NISBET: Thank you.

Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, is this the proper time to correct an error in the journal?

PRESIDENT NISBET: Yes.

MR. A. G. ELLIOTT: I would like to correct an error in Journal 71, page 494, in the second line, which reads: "has already been used for that reason," and it should read, "has rarely". The word "already" should have read "rarely".

PRESIDENT NISBET: Without objection, it will be corrected.

[Correction made, see below, page 1110.]

Mr. Chase, announcements?

SECRETARY CHASE: Mr. DeVries announces a meeting of the committee on administration at 1:30 this afternoon.

The committee on style and drafting will meet at 8:00 o'clock this evening, William B. Cudlip, chairman.

The committee on emerging problems will meet Wednesday in room I at 1:00 o'clock, Frank Millard, chairman.

That is all the announcements.

PRESIDENT NISBET: The Chair recognizes Mr. Howes.

MR. HOWES: Mr. President, I move that this convention recess until 2:00 o'clock today.

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

We are recessed until 2:00 o'clock p.m.

[Whereupon, at 11:55 o'clock a.m., the convention recessed; and at 2:00 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

MR. DeVRIES: Mr. President, I move the convention re-

solve itself into committee of the whole for consideration of certain items on the **general orders** calendar.

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

The motion prevails.

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

CHAIRMAN DeVRIES: The committee will come to order. When last the committee met, it was considering **Committee Proposal 82**, and an amendment offered to it by the gentleman from Ann Arbor, Delegate Pollock. The Chair had Delegate Stafseth on the list for recognition, speaking on the Pollock amendment.

MR. STAFSETH: Mr. Chairman, would you read that amendment, please? It has been quite a long time and I can't remember it too well.

CHAIRMAN DeVRIES: The secretary will read the amendment offered by Mr. Pollock.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 998.]

CHAIRMAN DeVRIES: Delegate Stafseth.

MR. STAFSETH: There are only 2 points that I would like to raise. One is my own personal experience in dealing with townships and counties and being in city government, but in the state of Michigan, with the type of topography we have, we are basically a flat, agricultural county or state, and inasmuch as we are that type of a state, the township type of organization fits our needs very well. It is a very effective part time reasonable government for a rural area.

In Dr. Pollock's statement, if you take the 28 other states of the United States that have eliminated the township form of government and review those 28 states, you will find that a majority of them, or a large majority of them, are states such as Pennsylvania, North Carolina, or ones with very rugged terrains, where, actually, a large part of the county is nothing more than the side of a mountain.

When you make a fair comparison of township government, where it exists in flat, agricultural land, and look at our neighboring states, you will see that the precedent still stands with this type of government.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ann Arbor speaking on his amendment, Delegate Pollock.

MR. POLLOCK: Mr. Chairman. Mr. Stafseth, the answer to that question is very easy. Pennsylvania does have the township form, and despite what our friend, Mr. Farnsworth, said or implied this morning, Pennsylvania is finding townships very constricting. We got information following the information that was given to you. I happen to be a Pennsylvanian myself, and know something about that situation. We found that exactly what I said was the case, that the townships are putting the big, urban areas into a straitjacket.

But with reference to your question on topography, it might interest you to know, as you could have read in the citizens research study on this point, that Iowa, within the last decade, has eliminated the township form of government for the whole state. Iowa, I thought, is where the tall corn grows, and therefore, I can't see the point of its application to Michigan. Obviously, Iowa and Michigan are quite different. Michigan has, of course, its very important rural areas, but actually it is also a great industrial state.

Now that I am on my feet, Mr. Chairman, I don't intend and had no intention of prolonging this debate, but I ask you, you now have the text of this amendment, to put that beside the work of the committee, and I challenge anybody in this room to say that this is not better constitutional drafting.

This is the only issue I am asking you to vote on. I did not move to abolish townships. It rather hurts me when my friend over here says that I haven't the same tender feelings for township supervisors and the people who live in townships. They are the best people in the world. They are not just in

Sanilac county. We have them in Washtenaw county, and a lot of them voted for me.

This isn't the issue. This is sand in the eye, just like the remarks of the chairman, I thought, were a little offside, too, when he implied that there was something theoretical about this; the structure of government was one thing, emotions and feelings of people were another.

Now, I don't ever mind being called a theorist. I have been called many things worse—communist, professor, everything else. But, if you don't have a theory at a time when you are building a constitutional convention, what are you doing? You must be just taking it off the top of your head. If you don't have a theoretical framework within which to argue, what do you argue for? Of course I have a theoretical framework in which I am fitting all this, but theory, as it's been bandied about this floor, seems to overlook the fact that there isn't too much difference between theory and practice among intelligent people. If you find a lot of difference, where people simply argue without any frame of reference and without any experience or observation or study—and I insist that it isn't all experience, it is also a question of understanding the trend of the times.

What I said, therefore, about townships, I only said to make my case. The fact is, I believe, that since the Constitution of 1908 was adopted, townships have been on the decline. Whether they are withering on the vine or not, I wasn't saying.

As a matter of fact, I didn't have time to prepare a speech on townships. I am not talking exactly on the subject of whether we should have a township or whether we shouldn't. I am merely saying that in the future of this state, there has to be reasonable flexibility and adaptability in adjusting the forms of local government to the needs of the times, and empowering those local governments to do the jobs that we expect them to do. This is the only issue, and I don't want any more sand thrown in the eyes on that issue. It is merely a question, is my amendment better than the committee draft? If you think so, vote yes.

CHAIRMAN DeVRIES: Does the gentleman from Saginaw, Delegate Turner, seek recognition on the Pollock amendment?

MR. TURNER: Mr. Chairman, fellow delegates, I certainly appreciate Dr. Pollock's imagination. I think that imagination and initiative are qualities that everyone needs. But at this point we are talking about local government, government at the grass roots level; 1,258 areas with people in them handling their own affairs in the most economical way possible. This form of government reminds me of a log raft. It is slow, it is hard to direct sometimes, but you can't sink it.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Grand Rapids, Delegate Blandford.

MR. BLANDFORD: Fellow delegates, I find myself differing from Dr. Pollock in looking ahead to some of our upcoming items on apportionment. This may not be the last time that he and I will differ.

I would like to say that his amendment, although it does not abolish townships, does single out townships as the only agency that can be dissolved.

I feel that Dr. Pollock's thesis and the thesis that we are hearing from a lot of people at this convention is that large government is the best government, and I will have to confess that I subscribed to this idea once myself.

I come from the city of Grand Rapids, as you all know. I took kind of a dim view of township government. I did until I was elected to a Kent county board of supervisors and served 8 years there. On the board I found myself associated with men who, in my humble judgment, are dedicated, sincere, and give a lot of government for very little compensation. They give good government at a minimum cost. For the edification of my good friend, Mr. Madar, I might say that I got nothing from township government, and when I am through with this convention, I am going to run for just one thing: I am going to run for my lumber yard back in Grand Rapids.

I do feel, very sincerely, that large government is not the best government. I feel government closest to the people is the best government. I am one city delegate who stands very firm for the maintenance of township government. (applause)

CHAIRMAN DeVRIES: The Chair will recognize the lady from Detroit, Delegate Hatcher.

MRS. HATCHER: Mr. Chairman and fellow delegates, I rise to make a few brief comments concerning the Pollock amendment. As a delegate to this convention, I have had the opportunity of serving on the local government committee. The local government committee, as you perhaps know, consisted of 27 members. The majority of the members of the local government committee were people who participated daily in county or city activities as paid employees on leave from their various positions. I think there were only one or two of us on the committee who were not active officials in county or local government in some form or the other.

My reason for making these comments at this time is to, first of all, say that I regret that the committee did not have the opportunity of the thinking of Dr. Pollock at the outset of our deliberations in that particular session. I think the comments that he made are certainly ideal.

I think the fact that many of the people who served on the local government committee were dealing with real problems, perhaps, took away some of the imagination that they may have had if they had been dealing with the idea in mind that we were working on a projection, a document for the future and one that would benefit the entire state of Michigan.

I think that there was too much impulsive thinking. I was criticized, as a member of that committee, for not making more comments from time to time in the daily deliberations—not seriously criticized, but I felt that there were many people on the committee who had a greater degree of experience in the area of local government than, perhaps, what I had at the time.

I think that imagination is certainly the kind of thing that we, as delegates, ought to use more of, because, as a member of the minority party here, that is about all I can have at the moment, imagination.

I certainly think that the observations that Dr. Pollock made, in terms of what we can expect in local government, what we can expect in terms of population explosion and everything else in the state of Michigan, this is the type of thinking that I would have liked to have worked around and helped to guide me in my deliberations in the local government program.

Those are the remarks I would like to say. I still feel that the committee's report is the report that I must support, because I was a part of making that deliberation.

CHAIRMAN DeVRIES: Does the gentleman from Hancock, Delegate Heideman, still seek recognition on the Pollock amendment?

MR. HEIDEMAN: Mr. Chairman, fellow delegates, the township serves a very real purpose and fulfills a very real need in local self government in the state of Michigan. This is not only true today, but so far as one can intelligently predict, the township will be needed in the indefinite future. No one has shown us a better scheme or system to replace the township as a necessary part of good Michigan local government. I would like to uphold the township, not only as a matter of practice but as a matter of theory, and even idealism in government. I do not think it an exaggeration to say that I am interested in writing an ideal constitution.

It is difficult for me to picture life in my far away area, and many of the other areas of our state of over 600 miles in length, without the township as an essential unit of local self government.

I would like to review a story told about James A. Garfield, which I think is, in a way, apropos of the making of the constitution. He was president of Hiram College in Ohio for awhile, and while there he was approached by the father of a prospective student, who said, "Can't you simplify the courses? My boy will never take all that in. He wants to get through by a shorter route." "Certainly", answered Garfield, "I can arrange for that. It all depends, of course, on what you want to make of him. When God wants to make an oak, he takes 100 years, but when he wants to make a squash, he requires only a couple of months." I hope we don't end up making squashes here in Lansing.

I would like to uphold the committee proposal, but in the event that we have to amend, I would like to provide equality of treatment for the township by offering the following amendment: to amend Dr. Pollock's amendment in the third line by adding a comma after the word "cities", by striking the "and" and by adding "townships" after the word "villages", so it will read:

The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties, cities, villages, and townships.

Thank you.

CHAIRMAN DeVRIES: Delegate Heideman, would you submit your amendment in writing to the secretary?

The Chair recognizes the gentleman from Detroit, Delegate Madar, speaking on the Pollock amendment, until Mr. Heideman has a chance to submit his amendment.

MR. MADAR: Mr. Chairman, fellow delegates, I just wish to correct some impressions that have been left. First I want to correct the impression that we did not discuss the elimination of large townships or of cutting out large townships. Now, understand what I said, "large townships", not the township that your ancestors thought were townships years ago.

You see, I have always felt that a township ceased being a township after it once got above 5,000 population. I believe you, in your own minds, feel the same way. Don't let these others, who are now talking about 20,000, 30,000, 50,000, 80,000 population townships make you feel differently. Don't let them get you over on their side just to protect something nice that they have for their own personal use.

Incidentally, I would, after I get through speaking, like to have the chairman of the committee tell you whether or not we discussed this particular subject. In fact, I even discussed the subject of having 5 different classes of cities, starting after a township got to the point where it had 10,000 population. From there on it would graduate to a city and go on from there.

Now then, to mention something else, about Mr. Turner's thought: he was worried about size. So far as we are concerned, as I just got through saying, the only place we are thinking about size is in the townships of 5,000 or 10,000 population. We would like to see those stay in existence. I think it is a wonderful thing. It does make for a good form of government, but after they reach that size, let's do something about them.

Now to correct Mr. Blandford's thought and the impression that he left. So far as my thinking that big government is the best government, you are very wrong, Mr. Blandford, so wrong that, well, it is just all out of proportion with what I have had to say. So far as I am concerned, I wish we didn't have any big government at all. But, when you have large areas, large cities, as we have, and as we have there in Detroit, we must have big government. We can't do anything else. You certainly aren't going to cut us into wards and let each one rule itself separately.

I think if we just keep these impressions straight, we won't have any troubles. Let's not try to pull any screens over anybody's eyes. Instead, let's pull screens down over these scoreboards so that we don't have to see how somebody else is voting to know how we want to cast our votes.

CHAIRMAN DeVRIES: Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I wonder if Mr. Madar would yield for a question?

CHAIRMAN DeVRIES: Would the delegate from Detroit yield for a question?

MR. MADAR: To answer a question? Sure.

MR. FARNSWORTH: Mr. Madar, the question is, how many townships are there in the city of Detroit?

MR. MADAR: Mr. Farnsworth, I believe that you understand that there are no townships within the city of Detroit, and I don't think you had to ask that question and waste our time.

MR. FARNSWORTH: Thank you.

CHAIRMAN DeVRIES: The Chair recognizes the delegate

from Rogers City, Delegate Radka, speaking on the Pollock amendment.

MR. RADKA: My only question, Mr. Chairman, is how many speakers do you have remaining now?

CHAIRMAN DeVRIES: The Chair has 3 delegates waiting for recognition on the Pollock amendment, understanding that Delegate Heideman is about to submit an amendment to the Pollock amendment.

MR. RADKA: I would at this time yield to Delegate Heideman so that he may submit his amendment.

CHAIRMAN DeVRIES: The Chair might also point out that Delegate Boothby also has an amendment to the Pollock amendment.

The secretary will read the amendment offered by Delegate Heideman to the Pollock amendment.

SECRETARY CHASE: Mr. Heideman offers the following amendment to the amendment offered by Dr. Pollock:

1. Amend the amendment after "cities" by striking out "and" and inserting a comma and after "villages" by inserting "and townships"; so the language will read:

The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties, cities, villages and townships. Each such political subdivision shall have such powers as may be prescribed by general law.

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

CHAIRMAN DeVRIES: State your point of order, Delegate King.

MR. KING: Mr. Chairman, we are just wasting a lot of time here by entertaining amendments which, obviously, in my opinion, are not in order. If he wants to move the whole thing as a substitute, that is one thing; but obviously this amendment contemplates a complete change in the meaning of Dr. Pollock's amendment. I am not speaking in favor of Dr. Pollock's amendment or against it, but I don't think we ought to entertain this type of an amendment at this time.

CHAIRMAN DeVRIES: Delegate King, the Chair rules that the amendment is in order. The question is on the Heideman amendment to the Pollock amendment to Committee Proposal 82. All those in favor of the Heideman amendment will say aye. Opposed, no.

The amendment to the amendment is not adopted.

The question before the committee now is the adoption of the Pollock amendment.

A division has been requested on the Heideman amendment—are you requesting a division on the Pollock amendment Mr. Heideman?

MR. HEIDEMAN: On my amendment.

CHAIRMAN DeVRIES: Delegate Heideman demands a division on the vote of the Heideman amendment to the Pollock amendment. Is there support for the demand?

SECRETARY CHASE: Sufficient number up.

CHAIRMAN DeVRIES: All those in favor of the Heideman amendment to the Pollock amendment will vote aye. Those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Heideman to the Pollock amendment, the yeas are 23, the nays are 90.

CHAIRMAN DeVRIES: The amendment is not adopted.

The Chair recognizes the gentleman from Niles, Delegate Boothby, for the purpose of offering an amendment. The secretary will read the amendment.

SECRETARY CHASE: Mr. Boothby offers the following amendment to the Pollock amendment:

1. Amend the amendment after "counties" by striking out the comma and "cities and villages"; so that the language will read:

The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties. Each such political subdivision shall have such powers as may be prescribed by general law.

CHAIRMAN DeVRIES: The Chair recognizes the author of the amendment, Delegate Boothby.

MR. BOOTHBY: Mr. Chairman, I will not belabor this point. I think it is self explanatory. However, I would note that I have great respect for cities, and I also have great respect for villages and townships. I do, however, feel that we should have equal protection of the law. I feel that townships are very much needed in our society, and I would take care of a possible error that was stated some few minutes ago. There are 11 midwestern states which have townships. We found that in the midwest it has been a very suitable political unit. I would argue in favor of the amendment which I have submitted to the Pollock amendment on the basis of more flexibility, and certainly this would be better constitutional drafting.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ann Arbor, Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I don't see how Mr. Boothby can feel that it is good constitutional drafting. Mine was very carefully studied and matured. It was an amendment to the section on townships. Yours is thrown in off the top of your head the last minute and should have been put in in connection with counties, if you want to put it in.

I don't know what your idea of constitutional drafting is, but this would be considered deficient and not an improving amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bessemer, Delegate Pellow.

MR. PELLOW: Mr. Chairman, ladies and gentlemen of this committee, I think that we are at a point where we must approach the fact that Mr. McAllister has truly drawn the line.

There are those here who would say this: Let us throw the townships to the wolves, but let's preserve the cities, let's preserve the townships, let's have the big bureaucracy government for the cities, let's blanket these people in, and as far as the small people are concerned, we are not concerned with whether or not they have the right to choose their own government.

I submit to this committee that there are enough of ivory towered intellectuals here, that would take away from the people the right to govern themselves. It is time that the people have the right, and I say, in all fairness to Delegate Madar, in all fairness to Delegate Pollock, in all fairness to the rights of all of the people in this convention, that here and now is the time to decide this; if we are going to destroy the elective process, if we are going to have one mob bureaucracy ruled by a centralized intellectual ivory tower, then let's do away with all elective officials, let's appoint the governor, the lieutenant governor, the representatives and every other elected official and forget the democratic process. (laughter and applause)

CHAIRMAN DeVRIES: The Chair would remind the committee to confine their remarks to the Boothby amendment to the Pollock amendment on Committee Proposal 82. The question before the committee is the Boothby amendment to the Pollock amendment. The secretary will read the Boothby amendment to the Pollock amendment.

SECRETARY CHASE: Mr. Boothby's amendment is:

[The amendment was again read by the secretary. For text, see above, page 1003.]

CHAIRMAN DeVRIES: The question before the committee is the Boothby amendment to the Pollock amendment. The Chair recognizes the gentleman from Niles, Delegate Boothby.

MR. BOOTHBY: Mr. Chairman, I ask for a division.

CHAIRMAN DeVRIES: Is there support for a division vote? Sufficient number up. All those in favor of the Boothby amendment to the Pollock amendment will vote aye. All those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Boothby, the yeas are 24, the nays are 92.

CHAIRMAN DeVRIES: The amendment to the amendment is not adopted.

The question before the committee now is the Pollock amend-

ment to Committee Proposal 82. The secretary will read the Pollock amendment.

SECRETARY CHASE: Mr. Pollock's amendment is:

[The amendment was again read by the secretary. For text, see above, page 998.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Howell, Delegate Sharpe.

MR. SHARPE: Mr. Chairman, I would like to demand a division.

CHAIRMAN DeVRIES: Mr. Sharpe demands a division. Is there support? There is support for a division.

Delegate Downs.

MR. DOWNS: Mr. Chairman, are we now voting on the Pollock amendment?

CHAIRMAN DeVRIES: That is correct.

MR. DOWNS: I had asked sometime back to speak on the Pollock amendment and had been waiting very patiently.

CHAIRMAN DeVRIES: The Chair stands corrected, Vice President Downs. You were on the list and I skipped you inadvertently. The Chair recognizes the gentleman from Detroit, Vice President Downs.

MR. DOWNS: Mr. Chairman, I would like to say that I am in sympathy with the objective of not freezing the townships into the constitution. I would like to ask Dr. Pollock one or two questions, and I will be very brief.

CHAIRMAN DeVRIES: You may if the gentleman cares to answer.

MR. DOWNS: Dr. Pollock, am I correct that the intent here is neither to eliminate nor to freeze townships into the constitution, but to leave the matter up to the legislature?

MR. POLLOCK: Precisely.

MR. DOWNS: All right. What if the legislature would want to abolish a township or merge it into a new county government, would the people in the township have any protection in case they did not want that action taken?

MR. POLLOCK: Mr. Chairman, it seems to me that is a matter that should be left to the legislature and, I think, considering the composition of the legislature, the fact that it is likely to continue to have very adequate rural representation, you need not fear any catastrophe.

MR. DOWNS: I believe that last answers my question quite adequately. One of the real reasons I hesitate, while agreeing with the principle, to support this is that Delegate Hart and I have an amendment which provides for rather strict standards on county home rule, and I am sure if I vote for this, some delegate will remind me and charge inconsistency later on. So, I would prefer more careful—I won't say more careful to Dr. Pollock, I do have that concern, but I can see his point about the legislature's representation.

CHAIRMAN DeVRIES: Delegate Pollock.

MR. POLLOCK: Mr. Chairman, I would add that there is no reason that this should have any conflict with any adequate home rule provision. This will be deliberated later and it is going to be entirely a separate matter.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Madison Heights, Delegate Walker.

MR. WALKER: Prior to the vote on this, Mr. Chairman, would it be possible for us to hear the amendment and hear the section as amended one more time? It has been, once again, some time since we heard it.

CHAIRMAN DeVRIES: The Pollock amendment is a completely new section and the secretary will read the Pollock amendment.

SECRETARY CHASE: Dr. Pollock's amendment:

[The amendment was again read by the secretary. For text, see above, page 998.]

CHAIRMAN DeVRIES: The question before the committee is the Pollock amendment to Committee Proposal 82. A division vote has been requested. The Chair recognizes the gentleman from Lansing, Delegate Wanger.

MR. WANGER: Just a brief comment on the drafting. It says:

The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties, cities and villages . . .

so I presume they cannot provide, by law, for the organization of cities and villages under the amendment as it is before the committee at this time.

CHAIRMAN DeVRIES: The Chair recognizes the author of the amendment, Delegate Pollock.

MR. POLLOCK: I am sure that was a sincere question, but it doesn't seem to me to be an extremely important one. It says "may" in the first place. We have already provided other places in the constitution for counties. We are going on to provide for cities and villages, and this clearly allows the flexibility which other parts of the constitution allow.

CHAIRMAN DeVRIES: The question is on the Pollock amendment to Committee Proposal 82. A division vote has been requested. All those who are in favor of the Pollock amendment will vote aye. All those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the amendment offered by Dr. Pollock, the yeas are 41, the nays are 88.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to the body of Committee Proposal 82?

SECRETARY CHASE: Mr. W. F. Hanna offers the following amendment to Committee Proposal 82:

1. Amend page 2, following line 14, by inserting:

"Sec. f. The legislature may by general law provide for an optional charter township form of township government which optional charter township shall have such officers selected in such manner as the optional charter township law shall provide."

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, I don't want to belabor this point, but this is an effort to give the legislature power to further improve the charter township act. This act is a start in the right direction. It is a rather effective act. Mr. Farnsworth referred to the amendments which the legislature has adopted since the original act was first passed by the legislature. Those amendments, for good or for bad, were authored by myself, along with some others that were not adopted by the legislature.

However, one of the stumbling blocks in the charter township act is the constitutional provision that you must elect a supervisor, clerk and treasurer for 2 year terms or for 4 year terms; that in respect to the charter township act, those provisions governing general townships must be complied with, in an effort to create a charter township act. This would remove the limitation from the charter township act and give to the legislature some flexibility with regard to the officers of a township.

We have gone farther in this constitution, by freezing 2 to 4 trustees in the term and, in turn, we have taken out the highway commissioner and the constables, which were part of the objectionable features. But this would, in the charter township act, allow the legislature full and complete jurisdiction to design a good optional charter township act and remove from the restrictions on the legislature the power to deal with township offices.

I urge the adoption.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Allegan, Delegate Farnsworth.

MR. FARNSWORTH: Mr. Chairman and members of the committee, I would like to make this presentation without any great amount of feeling one way or the other on this proposition of possibly unfreezing the township, elective township officers, when a township decides to become a charter township.

I would say, however that it was discussed in the committee and we came to the conclusion that obviously the township unit

would be electing some kind of local officials and that would be their governing board. We thought it made very little difference whether they called it a town board or a township commission or town council or what have you. In any event, they were going to be electing a treasurer, a clerk, a supervisor, and at least 2 trustees.

As it is now, that is their town board. Under the charter township act, they have a right to hire a superintendent and many of them do. The supervisor has a right to hire assisting help, and many of them do. They have a right to pave streets, to install curbs and gutters and sidewalks. They may levy special assessments. They may levy millage, 5 mills over and above their regular 15 mill limitation. By a vote of the people they can levy 10 mills without adhering to the 15 mill limitation. They may borrow money. They may own land. They may establish libraries. They can have a fire department, a police department. In effect, they can do really anything that they need to do, under a charter form of township government, which is permissible by statute at the present time.

Again I say, I do not feel strongly about this, personally, but I can not see, for the life of me, what possible difference it makes whether you free up those particular constitutional officers or not. They are going to be electing some kind of a town board.

CHAIRMAN DeVRIES: The question is on the adoption of the Hanna amendment to Committee Proposal 82. The secretary will read the amendment.

SECRETARY CHASE: Mr. Hanna's amendment is:

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

CHAIRMAN DeVRIES: The question is on the adoption of the amendment. All those in favor of the Hanna amendment will say aye. Opposed, no.

The amendment is not adopted.

Are there any further amendments to the body of Committee Proposal 82? If not, it will pass.

Committee Proposal 82, as amended, is passed. The secretary will read Committee Proposal 83.

SECRETARY CHASE: Item 3 on the calendar, from the committee on local government, by Mr. Elliott, chairman, **Committee Proposal 83**, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.

Following is Committee Proposal 83 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 legislature shall provide by a general law for the incorporation of cities[,] and [by a general law for the incorporation of] villages; such general laws shall limit their rate of GENERAL PROPERTY taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts. **EACH CITY AND VILLAGE IS HEREBY GRANTED POWER TO LEVY TAXES FOR PUBLIC PURPOSES SUBJECT TO LIMITATIONS AND PROHIBITIONS SET FORTH IN THIS CONSTITUTION OR LAW.**

Sec. b. [Under such general laws] The electors of each city and village [shall have] **ARE HEREBY GRANTED THE power and authority to frame, adopt, amend, AND REVISE its charter, and to amend, AND REVISE an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village, [and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concern, subject to the constitution and general laws of this state.] THE LEGISLATURE SHALL PROVIDE BY GENERAL LAW THE PROCEDURE FOR FRAMING, ADOPTING, AMENDING, AND REVISING SUCH CHARTERS.**

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

CHAIRMAN DeVRIES: Will the gentleman from Detroit yield to the delegate from Kalamazoo? Delegate Allen.

MR. ALLEN: Mr. Chairman, I think for clarity these should be considered separately, and to bring that point to a head, I will move that the 2 paragraphs be divided.

CHAIRMAN DeVRIES: Delegate Allen moves that section b be divided, and that we consider each paragraph separately. All those in favor of the motion will say aye. Opposed, no.

The motion prevails.

Delegate Mahinske, do you wish to speak to the first paragraph?

MR. MAHINSKE: No.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Chairman, the first paragraph pertains to the procedure and method by which a city frames, adopts or revises its charter. Delegate Hutchinson has called attention to the fact that the language appears to be turned around. I was not a member of the subcommittee which drew this, and so I don't exactly know why it was turned around, except, I think, that when the added language was added later on, it seemed to the research department that this was the best way to draft it. In other words, Senator Hutchinson, I don't believe, and I am not certain, that any intent was to somehow sneak some more powers in or doing something like that. I really think that this happened as a matter of style, although I am not positive of it.

I do know that under fourth class cities, there was an opinion by the attorney general which related to this point, and maybe this was turned around for that reason, but it only would affect a very small number of cities, if this was the reason. If that should be a major objection, as speaking for myself alone, I don't worry about following whatever suggestion Senator Hutchinson would want, rather than exactly the same language, and that would be the only comment I would like to make. There is certainly no intent here to increase power somehow without really making it obvious that it is being increased.

CHAIRMAN DeVRIES: Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I am happy to have it stated on the record that the committee intended no change in that, and that the change in the phraseology was merely an effort at drafting. However, when you change language, the obvious first attempt always is to find out what difference in meaning there is, and, obviously, at least to me, I would say that this change in language had accomplished a substantive change which I pointed out, and for that reason I am supporting Mr. Sharpe's amendment, which would reinstate the present language.

CHAIRMAN DeVRIES: The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I am going to ask for the committee to rise in just a moment, but before we do that, I wonder if we couldn't read the amendment that Mr. Sharpe has offered. I think that it has been made crystal clear here that the committee, in this first paragraph in particular, had no desire to change the intent, and if I can hear it, I am going to perhaps, suggest its adoption, then urge the committee to rise.

CHAIRMAN DeVRIES: The secretary will read the Sharpe amendment.

SECRETARY CHASE: Mr. Sharpe's amendment is:

[The amendment was again read by the secretary. For text, see above, page 1021.]

CHAIRMAN DeVRIES: The question before the committee is the Sharpe amendment to the first paragraph of section b. Mr. Elliott.

MR. A. G. ELLIOTT: I don't believe that there is any objection to that amendment, and I would urge its adoption at this time.

CHAIRMAN DeVRIES: Delegate Martin.

MR. MARTIN: If you do adopt the Sharpe amendment, then you do not need the language at the end of the paragraph

because that is a complete duplication. That language was put there to take the place of the phrase "under such general laws" that had been stricken out, so that it should be removed if you are going to adopt the Sharpe amendment. I think the Sharpe amendment simply does what the last sentence of the paragraph now proposes to do.

CHAIRMAN DeVRIES: Delegate Sharpe.

MR. SHARPE: Mr. Chairman, I have the amendment in my hand. It would do that, but I have learned from experience not to get too much done at one time, so I refrained from turning this in until we had the first amendment passed.

CHAIRMAN DeVRIES: Is it your intention to offer an amendment to strike that sentence?

MR. SHARPE: Yes, sir.

CHAIRMAN DeVRIES: Mr. Elliott.

MR. A. G. ELLIOTT: I would suggest that we add that to his amendment unless there are objections, and move on.

CHAIRMAN DeVRIES: Mr. Sharpe, will you bring your amendment to the desk, please?

SECRETARY CHASE: Mr. Sharpe is also offering a second amendment to page 1, line 22, by striking out "The legislature shall provide by general law the procedure for framing, adopting, amending, and revising such charters."

CHAIRMAN DeVRIES: Without objection, we shall combine the 2 amendments into 1 amendment.

[The revised amendment is as follows:

1. Amend page 1, line 14, after "Sec. b.", by reinserting "Under such general laws"; and in line 15, after "village" by striking out "are hereby granted" and reinserting "shall have"; and by striking out all of line 22; and on page 2 by striking out all of lines 1 and 2.]

The question before the committee is on the adoption of the combined Sharpe amendments to the first paragraph of section b. As many as are in favor will say aye. Opposed, no.

The amendment, as revised, is adopted.

Delegate Elliott.

MR. A. G. ELLIOTT: I move that the committee do now rise.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee do now rise. All those in favor, say aye. Opposed, no. The committee will rise.

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

VICE PRESIDENT ROMNEY: The convention will come to order. The Chair recognizes Mr. DeVries.

MR. DeVRIES: Mr. President, the committee of the whole has had under consideration several items on which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 82**, A proposal pertaining to townships; has adopted 2 amendments to the committee proposal; and recommends that these 2 amendments be agreed to and the proposal, as thus amended, do pass.

[The following are the amendments recommended by the committee of the whole:

1. Amend page 1 by striking out lines 10, 11, 12 and 13 and inserting

"Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution.

2. Amend page 2, line 1, after "Sec. d.", by striking out the balance of the section and inserting "The legislature shall provide by law for the elimination of township government whenever there is no territory which is not included within the borders of a village within such township."]

VICE PRESIDENT ROMNEY: You have heard the report.

The question is on agreeing to the amendments. Those in favor say aye. Opposed?

The amendments are agreed to.

Committee Proposal 82, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 82 as amended and referred to the committee on style and drafting:

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

Sec. a. Each organized township shall be a body corporate with such powers and immunities as shall be prescribed by law.

Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution.

Sec. c. There shall be elected for a term not less than 2 years nor more than 4 years as provided by law in each organized township: 1 township supervisor; 1 township clerk; 1 township treasurer; and, not to exceed 4 township trustees, whose powers and duties shall be provided by law.

Sec. d. The legislature shall provide by law for the elimination of township government whenever there is no territory which is not included within the borders of a village within such township.

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

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 83**, A proposal pertaining to cities and villages; has considered several amendments relative thereto and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

VICE PRESIDENT ROMNEY: Without objection, the convention will return to the order of reports of standing committees.

SECRETARY CHASE: The committee on administration, by Mr. DeVries, chairman, reports back to the convention **Resolution 70**, A resolution of the constitutional convention establishing a budget for post constitutional convention expenses; with 2 amendments, recommending that the amendments be agreed to and that the resolution, as thus amended, be adopted.

[The following are the amendments recommended by the committee:

1. Amend the eighth whereas clause, item 1, after "copies of the" by striking out "80 page".
2. Amend the resolving clause, in the **Post Constitutional Convention Commission Budget**, item **II**, sub-item E, after "Mileage to and from Lansing—commission" by inserting "(10 cents per mile)".]

Walter DeVries, chairman.

For Resolution 70 as offered, see above, page 986.

VICE PRESIDENT ROMNEY: Delegate DeVries.

MR. DeVRIES: Mr. President and fellow delegates, this resolution supplements one passed earlier by the convention, setting up the functions and duties of the post constitutional convention commission. The commission has not been appointed by the president, and probably won't be until the last week of the convention.

Ordinarily, this wouldn't come up until the end of the constitutional convention, but the legislature has requested from us certain budget information, and we need action on this at this time, and on the resolution.

Yesterday, the committee on administration submitted for your information a report which is found on page 588 of yesterday's journal, and I wish you would turn to that report so I could point out a few things about the budget of the convention.

The legislature appropriated \$2 million for the convention and did it in 2 line items. If you look at "I. Salaries and wages—delegates," the amount budgeted there was \$1,080,000. If you look at the fourth column, it is estimated—well, we know our balance for delegate salaries will be, on March 31, \$216,000; on April 30, \$72,000; and on May 15, nothing.

Now, if you look at item II, the second line item in the budget, subtotal, you will notice that in the fourth column, for the balance on March 31, in operations—now, this is exclusive of delegate salaries—it is anticipated if we adjourn March 31 we will have \$200,316.08 left in that line item; April 30, \$117,207.72; and on May 15, \$74,676.04.

If you total the 2 line items, if we adjourn on March 31, we will have \$416,316.08 left from our \$2 million appropriation. If we adjourn April 30, we will have \$189,207.72. If we adjourn May 15, we will have \$74,676.04.

We do not need to take any action on this report. It is only submitted for your information.

Now, if you will, turn to page 595 of the journal to Resolution 70, and I will ask the secretary to read the resolution.

SECRETARY CHASE: Resolution is as follows:

[The resolution, to the budget detail, was read by the secretary. For text, see above, page 986; for budget detail, see below, page 1166.]

VICE PRESIDENT ROMNEY: Mr. DeVries.

MR. DeVRIES: Mr. President, if I may, I would like to proceed from this point and explain the rest of the budget and analysis. The resolution, up to this point, and throughout the rest of it, has the unanimous approval of the committee on administration, the committee on public information, and the officers of the convention.

If I may explain, the bottom half of page 596 is the summary of the projected budget for the post constitutional convention commission. There is a more detailed explanation that follows on the pages after the next chart.

If you will turn to the chart, there are a couple of errors in it. This is to depict the supervision of the commission over the staff, the staff we have now and the staff we anticipate for the commission once it is formed. The dotted lines are to indicate that these people will be on the staff anywhere from 1 week to 2 weeks, and in the case of the secretary's office, certain people will be on 5 to 6 months. That will be explained as we turn the page and look at salaries. The error to which I call your attention is under the office of public information. The director, the secretary, and the 2 clerk stenographers should be solid lines, indicating that they are part of the permanent commission staff.

[Correction made, see below, page 1167.]

If you will turn the page in the journal to page 598, you will see the post convention organization chart, and the permanent staff, which will consist of executive director, secretary, the finance clerk, director of public information, a secretary and 2 clerk stenographers. Everybody else on the staff, within the period of either 1 week to 6 months, in the case of the secretary's office, will be discharged.

Under salaries and wages, we provided a per diem and subsistence for the commissioners, 15 commissioners, at an estimated 20 meetings at \$30 per diem. The \$30 per diem is to cover the expenses of the commissioners.

Under salaries and wages, this is the breakdown, the anticipated breakdown, on the way that we will retain the staff after the convention adjourns. You have an executive director, for example, on item 1, who will be on for 7 months; the secretary to the president of the convention, ½ month, and so on.

ONE HUNDRED EIGHTH DAY

Tuesday, March 27, 1962, 9:30 o'clock a.m.

PROCEEDINGS

VICE PRESIDENT HUTCHINSON: The convention will come to order.

The invocation this morning will be delivered by the delegate from Ingham, Mr. Wanger.

MR. WANGER: Let us pray. Father in heaven, we again acknowledge our weaknesses before You and humbly ask for Your blessing and Your guidance in our work. Remove all animosity, all partisan controversy and all selfish desire from our hearts; and give us the ambition, the courage and the understanding to write the best possible constitution for all the people of Michigan. Help us, dear God, to be wise statesmen, not foolish partisans; and always remind us that to whatever extent we should fail the people of our state, we fail You. Amen.

VICE PRESIDENT HUTCHINSON: The roll call will be taken by the secretary. All those present will vote aye. Have you all voted? If so, the secretary will lock the machine and take the roll.

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

Absent with leave: Mr. Bentley, Mrs. Cushman, Messrs. Dade, Farnsworth, W. F. Hanna, Mosier, Nisbet, Norris and L. W. Richards.

Absent without leave: Messrs. Bledsoe, Habermehl, Mrs. Hatcher, Messrs. King, Pugsley and Stamm.

VICE PRESIDENT HUTCHINSON: Without objection, the unexcused delegates will be excused from the morning session temporarily. The Chair hears no objection. Then they are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Mr. Stamm, Mrs. Hatcher, Mr. Dade and Mr. Bentley.]

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 39 of that committee, reporting back to the convention **Committee Proposal 81**, A proposal pertaining to county government; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 81 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 40 of that committee, reporting back to the convention **Committee Proposal 82**, A proposal pertaining to townships; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 82 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 41 of that committee, reporting back to the convention **Committee Proposal 83**, A proposal pertaining to cities and villages; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 83 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 42 of that committee, reporting back to the convention **Committee Proposal 84**, A proposal to provide for liberal construction of provisions concerning municipal corporations;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 84 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 43 of that committee, reporting back to the convention **Committee Proposal 85**, A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 85 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 44 of that committee, reporting back to the convention **Committee Proposal 86**, A proposal pertaining to highways and their maintenance;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 86 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 45 of that committee, reporting back to the convention **Committee Proposal 87**, A proposal relating to ports and port districts;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 87 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 46 of that committee, reporting back to the convention **Committee Proposal 88**, A proposal pertaining to metropolitan areas;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 88 as reported by the committee on style and drafting, see under date of April 17.

custody. He shall not hold any other office except in connection with civil defense.

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

Sec. g. The boards of supervisors shall have such powers and duties as provided by law not inconsistent with this constitution.

Sec. h. The boards of supervisors shall have exclusive power to fix the compensation of all county officials not otherwise provided for by law.

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond 10 per cent of its assessed valuation.

Sec. j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location in a manner prescribed by law.

Sec. k. No navigable stream of this state shall be bridged or dammed without permission granted by the board of supervisors of the county under the provisions of 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 the municipalities therein.

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

Sec. m. 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. n. Two or more counties may combine into a single county provided a majority of the voters voting on the question of each county, voting separately, approve such combination and the counties are contiguous.

SECRETARY CHASE: **Committee Proposal 82**, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.

MR. A. G. ELLIOTT: Mr. President.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Can I move to waive the reading of the proposal?

DELEGATES: No.

PRESIDENT NISBET: Without objection you can, but there is objection.

MR. A. G. ELLIOTT: Okay.

Following is Committee Proposal 82 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 1024.):

Sec. a. Each organized township shall be a body corporate with [such] powers and immunities [as shall be] prescribed by law[.] AND NOT INCONSISTENT WITH THIS CONSTITUTION.

[Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution.]

Sec. c. There shall be elected for a term OF not less than 2 years nor more than 4 years as provided by law in each organized township[: 1] A township supervisor[;], [1] A township clerk[;], [1] A township treasurer[;], and, not to exceed 4 township trustees, whose LEGISLATIVE AND ADMINISTRATIVE powers and duties shall be [provided] PRESCRIBED by law.

Sec. d. The legislature shall provide by law for the [elimination] DISSOLUTION of township government whenever [there is no] ALL THE territory [which is not]

OF A TOWNSHIP IS included within the [borders] BOUNDARIES of a village [within such township.] OR VILLAGES AND PROVIDE BY LAW FOR THE CLASSIFICATION OF SUCH VILLAGE OR VILLAGES AS CITIES NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER TOWNSHIP.

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

PRESIDENT NISBET: The question is on Committee Proposal 82. There is an amendment.

SECRETARY CHASE: Mr. Garry Brown offers the following amendment:

1. Amend page 1, line 2,[section a] after "immunities" by reinserting "as shall be"; and after "law.", by striking out "and not inconsistent with this constitution."; and on line 4, by reinserting section b to read as follows:

"Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution."

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

MR. G. E. BROWN: Mr. President and members of the convention, you will note that this amendment merely leaves the language as it was when it left the committee of the whole on first reading.

I am quite disturbed over what style and drafting has done in view of the argument that occurred on the floor at first reading with respect to this language. I think that the amendments—although they involve 2 sections—that the language should be treated together because it merely puts the language back as it was after first reading. There has been an attempt by the committee on style and drafting to eliminate some language. In doing so, I am convinced they have made a substantive change, which is not their prerogative. I would therefore respectfully submit that if this convention is to uphold its action on first reading, which I think it should do, if there is any integrity to what we have done on first reading when it comes to matters of substance, then this amendment should be adopted and the language should be reinserted as it was when it left committee of the whole. I would urge you to clearly and distinctly vote yes on this amendment, so we will not be re-fighting every argument that we fought in committee of the whole with respect to every issue that we are taking up on second reading.

PRESIDENT NISBET: The Chair recognizes Mr. Radka.

MR. RADKA: The subcommittee and the full committee on local government respectfully disagree with Mr. Brown's statement. We felt that the changes made by the committee on style and drafting did not change the substance. If you will read section b you will notice that the provisions that were originally contained in section b were moved to section a and section c. The words "and not inconsistent with this constitution" were added to section a, and the provision that the legislature—the legislative and administrative powers were moved down to section c. It was the opinion of many of our research men that section b could have been eliminated without making any other transfer of words to section a and section c and nothing would be lost.

PRESIDENT NISBET: The Chair recognizes Mr. Austin.

MR. AUSTIN: Mr. President and ladies and gentlemen of the convention, I am wondering, as a member of the committee on style and drafting, if I could ask Mr. Brown what substantive changes he thinks we have made.

PRESIDENT NISBET: If he cares to answer. Mr. Brown.

MR. G. E. BROWN: Mr. President, members of the convention and Mr. Austin, we have used in this constitution and will continue to use—we used it in the past constitution and in the present one—many times the phrase "as shall be pre-

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

scribed by law." In my understanding of constitutional interpretation and as similar words have been construed in the past and probably will be construed in the future, this is not a mandate to the legislature to enact legislation in this field, as would be the case if you left section b in, where it says that the legislature shall confer, which means that it is a mandate to prescribe legislation. I am not sure that the other language does. In fact, I think that it has been so interpreted in the past. It is speaking to a certain extent in futuro and not as a mandate to them to do something in this field.

You will recall that this language—section a and section b are in the present constitution, the 1908 constitution—but in section b it presently says "may," that the legislature "may confer." It was the criticism of all of us who wanted "shall" put in to replace "may" that the legislature had not acted in this field to the extent that it should have and it has created problems for many townships, both large and small, and that therefore the language of the 1908 constitution, section b, should be retained but it should be made more firm; so the legislature would know that we are speaking to them and saying: you shall confer upon townships certain of these powers, so they do not have the problem of going first, to the legislature and then to the courts and having the courts decide that there is no inherent power for this; there is no direction; therefore, we find that the township has no authority in these fields.

I think that we are saying that this is a specific and express provision that townships shall be granted these powers and that legislation shall be enacted, not just that they shall have such powers as the legislature may decide, which I interpret "shall" to mean in a case of this nature, as the legislature may decide they need.

PRESIDENT NISBET: Mr. Austin, do you care to proceed?

MR. AUSTIN: Yes, Mr. President, thank you. Mr. Brown, is this the only substantive change you feel that we have made? You are not concerned about the other deletions which have been picked up in section a and also section c? Those do not concern you; is that correct?

MR. G. E. BROWN: You have not made deletions in section c, to my knowledge, Mr. Austin. I don't notice any changes. You have added language. I don't think that when you confer upon officers, particular officers, certain powers, legislative, administrative, and so on, that it is the same thing as saying that townships, as bodies corporate, shall have these powers.

I think that in a and b you have made substantive changes. I would not question what you have done in c. I think when you get down to the incorporation section—making villages cities—that very possibly this is a substantive change. I don't think this was contemplated by the committee of the whole. I do not intend to raise any great objection to it, however.

MR. AUSTIN: Well, Mr. President, there is no need to belabor the point, then, if you do not raise objection to that part of it. I would comment, though, that what we did in moving the language "legislative and administrative powers" down to section c was to confer them upon the officers whom we believe should have the powers.

Now, as to whether the language, "The legislature shall by general law confer" is different from each township having powers "as prescribed by law," I am not too sure that there is a substantive change, because you certainly could not mandamus the legislature to do this and we have said in section a that each township "shall be a body corporate with powers and immunities prescribed by law and not inconsistent with this constitution." It would appear to me that the substance of b is still intact in both section a and section c, and I would certainly favor the present language.

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I certainly, for one, would want to strengthen township government, if at all possible. I would like to point out what I do not believe the committee meant when they adopted section b, the amendment on the floor, by inserting the word "shall" in place of "may." Were you to leave section b as adopted on first reading with the word "shall" and reinstate it under the Garry

Brown amendment, every law passed assigning a function to be performed by counties, villages or townships, or other than townships, to any metropolitan authority of whatsoever nature could and would have to be tested in the courts as to whether or not this function was of a local, a legislative or an administrative character because, while I do not believe the word "shall" can force the legislature to act, it may have the effect of forbidding the legislature from transferring to another unit of government—county, metropolitan authority, village or otherwise—any function which the court might construe as local, legislative and administrative.

I will take the problem of something out of the past: when the legislature moved the problem of filing death certificates or chattel mortgages from the township clerk to the county clerk, everyone agreed that this was a good administrative move—except possibly some township clerks. But were the court to construe such a law as local, legislative and administrative, such a law could not be enacted by the legislature and flexibility in assigning functions between townships, counties and metropolitan authorities would be seriously curtailed.

I voted on this floor on first reading for the word "shall," the Garry Brown amendment. On soul searching reflection and examination, I certainly did not intend, and I doubt that this body intended, that the legislature by general law could not assign a function of local government to that unit of local government which could best perform the service. I believe that the rewriting of section a and section c and the deletion of section b clearly says that a township government is a body corporate and shall have powers and immunities prescribed by law and this is fully what we intended.

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

MR. G. E. BROWN: Mr. President and members of the convention—

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

PRESIDENT NISBET: State the point, Mr. Woolfenden.

MR. WOOLFENDEN: Mr. Brown has spoken twice.

PRESIDENT NISBET: Mr. Brown's second talk was in answer to a question, Mr. Woolfenden.

MR. WOOLFENDEN: Well, I ask a ruling of the Chair on that specifically because he answered the question and then he debated the proposition for 5 minutes.

PRESIDENT NISBET: The Chair thinks—

MR. G. E. BROWN: Mr. President, before requesting to be recognized by the Chair, I asked the Chair as to whether or not I could speak the second time and I thought I could, as a matter of parliamentary procedure, due to the fact that I answered questions previously both times I came to the—

PRESIDENT NISBET: Mr. Brown, may the Chair answer Mr. Woolfenden that you are entitled to speak the second time because you answered a question the first time? Will you please complete your argument?

MR. G. E. BROWN: What Mr. Hanna has said is very true. I don't know how much efficacy this provision will have if you pass the amendment. We certainly cannot mandamus the legislature. We cannot require them to do any of these things. We can only say that as a constitutional convention and as a constitutional mandate, we trust that they will and that under the provisions of the constitution they have at least a moral obligation to do something in this field.

Secondly, the argument that Mr. Hanna made that this may create a problem, I think, is another attempt to throw a red herring into this matter. As a practical matter, you realize that in the metropolitan district in the combination of local units of government and their authorities, we have said that you can combine any of the authorities which the local units of government that are combined could exercise individually. Therefore, what he has said about court interpretation is complete nonsense.

I would once again—and I see no reason for debating this further; we debated it once for about 3 hours; I trust that it was well understood at that time—ask a yes vote on this question and I would move the previous question.

PRESIDENT NISBET: The previous question has been asked. Is that demand seconded? Sufficient number up. The

question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails. The question is now on the Brown amendment. Those in favor will say aye—

MR. G. E. BROWN: Yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded?

SECRETARY CHASE: Five. Not a sufficient number.

PRESIDENT NISBET: Not a sufficient number up.

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

PRESIDENT NISBET: Mr. Nord.

MR. NORD: I would like a ruling from the Chair. Is it permissible under our rules for a speaker to make a speech, present argument, and at the end of his argument to move the previous question?

PRESIDENT NISBET: Nothing in the rules prevents it, Mr. Nord. The question now is on the Brown amendment. Those in favor will say aye. Opposed, no.

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

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 1, line 1, after "Sec. a.", by striking out the balance of the proposal and inserting "The legislature may provide by general law for the organization and government, and for the dissolution, of political subdivisions other than counties, cities and villages. Each such political subdivision shall have such powers as may be prescribed by general law."

PRESIDENT NISBET: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, I have no desire to argue this question. I argued it once before in committee of the whole in a not very well attended committee session, and I wanted to give the convention an opportunity to really strike a blow for efficient, modern government. This in no way abolishes townships. It provides that they shall be regulated by law and it merely means that instead of handicapping the state of Michigan in future years in the development of modern local government structure that the power shall be by the legislature instead of being handicapped by being frozen into the constitution.

PRESIDENT NISBET: The Chair recognizes Mr. Powell.

MR. POWELL: Mr. President and ladies and gentlemen of the convention, I hesitate to take issue with my seat mate but one statement that he made was not quite factual. He said this was argued at length before the committee of the whole and the attendance at that time was not very representative or something. I happen to have the record of that debate right here and the vote on that was 41 yes and 88 no, which makes a total of 129, which I say was a pretty representative vote. I trust we will again turn down this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Faxon.

MR. FAXON: I would like to call for the yeas and nays on this.

PRESIDENT NISBET: The yeas and nays have been requested. Is the demand seconded? Sufficient number up. The yeas and nays have been ordered. Those in favor of the—

MR. FINCH: Mr. President.

PRESIDENT NISBET: Mr. Finch.

MR. FINCH: Mr. President, was this offered when the committee rose before? And, if so, parliamentary inquiry.

PRESIDENT NISBET: It was not, Mr. Finch.

MR. FINCH: It was in committee of the whole?

PRESIDENT NISBET: That's right. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I hope that the members of the convention will recall that when Dr. Pollock made this attempt in committee of the whole, he used the phrase that he did not want "to embalm" the townships in the constitution. At that time we called your attention to the fact that we agreed he did not want to do that but that he wanted to embalm them sometime later and then bury them. Now this is another attempt, through phraseology, to be sure; this time the good doctor refers to "striking a blow" and this is, in effect, striking a blow at the grass roots government of Michigan, that of the township. We are most heartily opposed to the adoption of the amendment.

PRESIDENT NISBET: Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I rise in opposition to this amendment for the same reasons as we gave the last time and I move the previous question.

PRESIDENT NISBET: The yeas and nays have been demanded. Those in favor of the amendment of Dr. Pollock will vote aye. Those opposed will vote nay. Mr. Yeager.

MR. YEAGER: Mr. President.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: Because we have no bulb on this side, would it be possible to ask that it be read again, please?

PRESIDENT NISBET: Mr. Chase will read the Pollock amendment. They are trying to get a bulb for that and haven't got it yet.

SECRETARY CHASE: Mr. Pollock's amendment:

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

PRESIDENT NISBET: The question is now on the amendment. 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 — 38

Austin	Goebel	Nord
Barthwell	Hanna, W. F.	Ostrow
Bradley	Hannah, J. A.	Plank
Cushman, Mrs.	Hart, Miss	Pollock
Dade	Hood	Sablich
DeVries	Jones	Seyferth
Donnelly, Miss	Krolikowski	Snyder
Downs	Lesinski	Sterrett
Durst	Liberato	Walker
Elliott, Mrs. Daisy	Mahinske	Woolfenden
Everett	Martin	Yeager
Faxon	McLogan	Young
Follo	Murphy	

Nays — 76

Andrus, Miss	Hatcher, Mrs.	Pugsley
Anspach	Heideman	Radka
Baginski	Howes	Rajkovich
Balcer	Hoxie	Richards, L. W.
Batchelor	Hubbs	Romney
Beaman	Hutchinson	Rood
Bentley	Judd, Mrs.	Shackleton
Boothby	Karn	Shaffer
Brake	Kelsey	Shanahan
Brown, G. E.	Kirk, S.	Sharpe
Buback	Knirk, B.	Sleder
Butler, Mrs.	Koeze, Mrs.	Spitler
Dehnke	Kuhn	Stafseth
Dell	Leibrand	Stevens
Doty, Donald	Leppien	Stopczynski
Douglas	Madar	Suzore
Elliott, A. G.	McCauley	Thomson
Erickson	McGowan, Miss	Turner
Farnsworth	Millard	Tweedie
Figy	Mosier	Van Dusen
Finch	Nisbet	Wanger
Gadola	Perlich	White
Gover	Perras	Wilkowski
Gust	Powell	Wood
Haskill	Prettie	Youngblood
Hatch		

SECRETARY CHASE: On the amendment offered by Dr. Pollock, the yeas are 38; the nays are 76.

PRESIDENT NISBET: The amendment is not adopted. The question now is on Committee Proposal 82. Will the board be cleared, please. Those in favor of Committee Proposal 82 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 — 114

Allen	Gover	Perlich
Andrus, Miss	Gust	Perras

Anspach	Hanna, W. F.	Plank
Austin	Hannah, J. A.	Powell
Baginski	Hart, Miss	Prettie
Balcer	Haskill	Pugsley
Barthwell	Hatch	Radka
Batchelor	Hatcher, Mrs.	Rajkovich
Beaman	Heideman	Richards, L. W.
Bentley	Higgs	Romney
Bledsoe	Howes	Rood
Boothby	Hoxie	Rush
Bradley	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Buback	Jones	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Cushman, Mrs.	Karn	Sharpe
Dade	Kelsey	Sleder
Danhof	King	Snyder
Dehnke	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Koeze, Mrs.	Staiger
Donnelly, Miss	Krolkowski	Sterrett
Doty, Dean	Kuhn	Stevens
Doty, Donald	Leibrand	Stopczynski
Downs	Leppien	Suzore
Durst	Lesinski	Thomson
Elliott, A. G.	Liberato	Turner
Elliott, Mrs. Daisy	Madar	Tweedie
Erickson	Mahinske	Van Dusen
Everett	Martin	Wanger
Farnsworth	McCauley	White
Figy	McGowan, Miss	Wilkowski
Finch	McLogan	Wood
Follo	Millard	Woelfenden
Gadola	Mosier	Yeager
Garvin	Murphy	Young
Goebel	Ostrow	Youngblood

Nays — 6

Douglas	Hood	Pollock
Faxon	Nord	Walker

SECRETARY CHASE: On the passage of Committee Proposal 82, the yeas are 114; the nays are 6.

PRESIDENT NISBET: Committee Proposal 82 is passed and referred to the committee on style and drafting.

For Committee Proposal 82 as rereferred to the committee on style and drafting, see above, page 2513.

The secretary will read Committee Proposal 83.

SECRETARY CHASE: Item 3 on the calendar, **Committee Proposal 83**, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.

Following is Committee Proposal 83 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 1070.):

Sec. a. The legislature shall provide by general [law] LAWS for the incorporation of cities and villages[]; [such general laws shall limit their rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.] Each city and village is [hereby] granted power to levy [other] taxes for public purposes, BORROW MONEY AND CONTRACT DEBTS subject to limitations and prohibitions [set forth in] PROVIDED BY this constitution or BY law.

Sec. b. Under [such] general laws the electors of each city and village shall have the power and authority to frame, adopt[, AND amend[, and revise] its charter, and to amend[, and revise] an existing charter of the city or village heretofore granted or [passed] ENACTED by the legislature for the government of the city or village. Each SUCH city and village shall have power to [pass] ENACT laws and ordinances relating to its municipal concerns, property and government subject to the constitution and [general laws] LAW [of this state]. No enumeration of powers GRANTED TO CITIES AND VILLAGES in this constitution shall be deemed to limit or restrict the general grant of authority [hereby] conferred[.] BY THIS SECTION.

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

Sec. d. Except as otherwise provided in this constitution, no city or village shall have the power to [assess, levy or collect any tax or assessment for other than a public purpose, or to] loan its credit for any private purpose or, except as authorized by law, for any public purpose.

Sec. e. Subject to [the provisions of] this constitution, any city or village may acquire, own, and operate, [either] within or without its corporate limits, public [utilities] SERVICE FACILITIES for supplying water, light, heat, power, sewage disposal[, and transportation to the municipality and the inhabitants thereof[]; and]

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

Sec. f. No city or village shall acquire any public utility FURNISHING LIGHT, HEAT AND POWER or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless [such] THE proposition shall have [first received the affirmative vote of] BEEN APPROVED BY 3/5 of the electors [of such city or village] voting thereon, [at a regular or special municipal election. Nor shall any] NO city or village MAY sell any SUCH public utility unless [such] THE proposition shall have [first received the affirmative vote of a majority, or of a greater number if the charter shall so provide, of the electors of such city or village] BEEN APPROVED BY A MAJORITY OF THE ELECTORS voting thereon, [at a regular or special municipal election] OR A GREATER NUMBER IF THE CHARTER SHALL SO PROVIDE.

PRESIDENT NISBET: The question is on Committee Proposal 83. The first amendment?

SECRETARY CHASE: Mr. Arthur Elliott offers —

MR. A. G. ELLIOTT: Mr. President.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. McCauley has a committee amendment.

PRESIDENT NISBET: That's the first amendment.

SECRETARY CHASE: Messrs. McCauley, L. W. Richards, Tweedie and Dell, on behalf of the committee on local government — is this the amendment. Mr. Elliott?

MR. A. G. ELLIOTT: That's it, Mr. Chase.

SECRETARY CHASE: — offer the following amendment:

1. Amend page 1, line 2, [section a] after "villages" by changing the period to a semicolon and reinserting "such general laws shall limit their rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts."; and in line 5, after "levy" by reinserting "other"; and after "purposes," by striking out "borrow money and contract debts".

PRESIDENT NISBET: The Chair recognizes Mr. McCauley.

MR. McCAULEY: Mr. President and members of the convention, the committee in reviewing the language of the style and drafting committee's report feels that some of the language in the proposal has been streamlined. However, we felt that the condensed language leaves room for argument as to the intention on local government, that is, to broaden the city tax base by permitting taxes in addition to the general property tax and which additional taxes are self executing except as to what might be preempted in this constitution or by law. In view of the complex law on the subject, the committee recommends that the original language be reinstated

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

PREAMBLE

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

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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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
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22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

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

Article III General Government

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

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

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

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

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

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

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

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

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

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

ARTICLE IV LEGISLATIVE BRANCH

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3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
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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
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2	20.	Legislature, open public meetings ...	103a
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6	24.	Laws, object and title	
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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

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Article VIII Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

ing body" there, taking that out, so that the local units of government don't have the power any more to do it but the state highway department or some place in the state of Michigan, down in Lansing, could grant all power to override that.

MR. A. G. ELLIOTT: The answer is, no.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott. Mrs. Cushman.

MRS. CUSHMAN: I would like to speak to the amendment. I think that actually we only have 2 changes here and I don't think they are bad. I think that actually, probably, we could make them in style and drafting and I don't think you would object to them.

In the first place you have changed — in response to Mr. Gover's question, actually, there is no change at all in the wording about franchises, not one change. In the second place, all we have said is, "No public utility" to substitute for all this business about "No person, partnership, association or corporation," and so on. And then in the other place, instead of saying all these involved words, which to my understanding is not good constitutional language, you say "wires, poles, pipes, tracks, conduits or other utility facilities;" for that we substitute just plain "utility facilities." So that it seems to me that there is really no substantive change here and, now that the other changes have been redone to correspond with the original language, I can't see that there is any particular problem at all with this.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, we started out in consideration of this amendment on the premise that there was no substantive change intended, at least. However, I think it is admitted now that there was a substantive change.

I think that at this stage in our deliberations it is very unwise to start in making amendments unless we are sure that we know what we are doing. This particular section was considered by the committee and it appears now that we have 2 individuals who want to rewrite this section. The purpose I don't know or what their intent is but, as far as I am concerned, I am willing to accept the section as it came from the committee, as it was adopted by this convention, as it came back to us from style and drafting. I think it is very unwise for this convention to start amending sections unless we are sure we know what we are doing. I urge a no vote on the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna, just for 30 seconds.

MR. W. F. HANNA: I'll sit down.

VICE PRESIDENT HUTCHINSON: No, go ahead. The question is upon the adoption of the revised amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott, which has been read. All those in favor will say aye. Opposed no.

The amendment is not adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? The demand is supported. A sufficient number up. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. W. F. Hanna and A. G. Elliott, the yeas are 26; the nays are 88.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Are there any further amendments? The question is upon the passage of article VII, local government.

MR. ALLEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: I don't have an amendment but, if I could make a suggestion or a comment, I notice in the way we have set it up in the third reading, we start with an index and I assume that index will not be kept the same, particularly because it refers to committee proposals, but there are 2 sections that are very related: one is our old Committee Proposal 88, which is intergovernmental agreements as far as they apply within the state. And then there is the one that came out of emerging problems, which was 128. Now 128, as style and drafting has set it up, is now in article III under general government and I think this is all right, but the caption given it in the index

is "intergovernmental agreements;" whereas, the very similar one which we have in local government is given a different caption. I think it is called "intrastate cooperation."

I just wanted to make this suggestion and I don't know where the suggestion would go — probably to style and drafting, but each should be entitled the same but one of them is interstate and the other is intrastate. They each could be called "intergovernmental cooperation" or they each could be called "agreements," but I think if we keep the titles which we have now it could cause some confusion. And I just make this as a suggestion.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, there are no further amendments, as I understand it?

VICE PRESIDENT HUTCHINSON: There are none.

MR. VAN DUSEN: I would move to limit further debate on this 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. The Chair recognizes Mr. Cudlip.

MR. CUDLIP: Mr. President and members, I rise just for the purpose of saying that these section captions in this brochure before you are not a part of the constitution. They are put in there for your convenience. The constitution as proposed will have article numbers and captions like judicial branch, executive branch, nothing else, and the schedule will not even bear a caption or an article number. These are purely for your convenience and if anybody puts them in future reprints of this document — if it is enacted or adopted by the people — it will be an editor, West Publishing or Callahan or somebody in the secretary of state's office, as in the present case. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I did not put any amendments in on this because this had been done in committee of the whole and on second reading. In committee of the whole we did try to get certain standards for county home rule which did not pass and then in the second reading many delegates — and I was one of those — went all out for pure home rule.

I now rise in opposition to this article, urge a no vote, and want the delegates to know what the reasoning is, whether or not they individually or collectively agree. This provision now is that, "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. . . ." What I had urged in committee of the whole was that we assure that every county have partisan government. This was lost and then I supported the pure home rule concept, which would provide that any county could have either partisan or nonpartisan government, as the next best thing. This is the third best thing. My concern — and I feel it is a real one — is that by using the term "by general law" with the type of legislature we have created that there will be a classification so counties over a million, which include the one in which I reside, may end up with nonpartisan government and counties under a million may end up with the requirement of partisan government. I think this is a double standard that is, possibly, almost written into this. I think it is an unsound approach and there should be a single standard. I would take a different attitude if we had a legislature with equal representation for urban areas.

I regret that we did not improve the basic structure of the board of supervisors providing for election or providing for more equal representation therein.

I believe that in our other provisions here that we set up a double standard on cities or villages acquiring utilities where it takes 3/5 to buy and only a simple majority to reject.

Time and again through this article — such as section 27 — when we provide for metropolitan government, we use the term "the legislature may establish." I suppose the delegates are as tired of hearing as I am of saying that the concern here is that when we say "legislature may establish" — and I am greatly concerned — that this is almost meaningless when it comes to meeting the needs of those of us from industrial, urban areas with the type of legislative makeup we have. I therefore urge a

no vote and hope that there will be a substitute before we complete third reading, which will permit a more responsive, more responsible type of government and hope then that the delegates will be able to support a more positive substitute. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President and fellow delegates, I should like to comment on this section in general, but before I do that I would like to point out to Mr. Allen and for the benefit of the record that Committee Proposal 128 deals with both intrastate and interstate governmental relations and I don't know that Mr. Allen was completely aware of that, but I should want the record to clearly reflect that fact.

I find myself, like Mr. Downs, dissatisfied and unhappy that we were not able to provide for the election of supervisors. I am also disappointed that we were not able to achieve what I considered to be essential: that is, pure home rule. However, I would point out to this delegation, and to Mr. Downs in particular, that the phrase "democratic process" is spelled with a small "d," and as such, I think it is absolutely essential that we all be prepared to win on some points and to lose on others. By and large, this is an excellent article and I support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of the article, article VII, local government. All those in favor of the article will vote aye. All those opposed —

MR. BINKOWSKI: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski.

MR. BINKOWSKI: I would like to announce my intention to abstain.

VICE PRESIDENT HUTCHINSON: All those in favor will vote aye. Those opposed will vote no. Mr. Binkowski abstains. 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—92

Allen	Gover	Prettie
Andrus, Miss	Gust	Pugsley
Anspach	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Bledsoe	Heideman	Romney
Bonisteel	Howes	Rush
Bradley	Hoxie	Sablich
Brake	Hubbs	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Spitler
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibbrand	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Mahinske	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Page	Wood
Follo	Plank	Woolfenden
Gadola	Pollock	Yeager
Goebel	Powell	

Nays—26

Austin	Elliott, Mrs. Daisy	Nord
Baginski	Faxon	Pellow
Balcer	Finch	Perlich
Barthwell	Ford	Stopczynski
Boothby	Greene	Suzore
Buback	Hart, Miss	Wilkowski
Dade	Jones	Young
Douglas	Krollkowski	Youngblood
Downs	Madar	

SECRETARY CHASE: On the passage of article VII, the yeas are 92; the nays are 26.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article VII** on local government is passed.

For article VII as passed, see above, page 3063.

Following is explanation of vote submitted by Mr. Finch:

I voted no on article VII because I object to a portion of section 21. I believe that cities and villages should not be able to impose a payroll tax or an income tax on nonresidents.

Following is explanation of vote submitted by Messrs. Hodges, Baginski, Madar, Buback, Downs, Ford, Jones and Miss Hart:

We voted no on article VII — local government, for several reasons.

The provision of county home rule provides that counties could have home rule only if authorized by the legislature. We are very concerned that the legislature, not based on population, would set a double standard of home rule — one for large urban counties and another for smaller, nonurban counties. We believe this double standard would frustrate effective home rule and regret that principles for standards of home rule were turned down in committee of the whole and on second reading. Self executing provisions to provide the people of a county the possibility of developing home rule independently of the legislature were also rejected.

The boards of supervisors throughout the counties in Michigan need strengthening. Unfortunately county boards of supervisors presently are selected on a basis that is not truly representative of people and violates the concept of equality of representation. We believe that local government can be strengthened effectively by strengthening county boards of supervisors through an elective process that assures equality of representation on a responsible basis.

Section 25 sets up a double standard for cities and villages in acquiring public utilities by requiring a 3/5 vote to obtain public utilities and permitting them to be sold by only a simple majority.

The creation of metropolitan areas so vital to a growing industrial economy is hamstrung by making it contingent upon the actions of a legislature that does not truly represent people. We therefore voted no on article VII and hope that the convention will take more positive action before we complete the third reading.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VIII, education.

SECRETARY CHASE: **Article VIII:**

[Article VIII, sections 1 through 9, was read by the secretary. For text, see above, page 3085.]

VICE PRESIDENT HUTCHINSON: Article VIII 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 VIII of the proposed revision of the constitution:

sec-	col-	tion	umn	line	Corrections
3	2	45			After "institutions" insert "of higher education".
3	2	46-7			After "DEGREES" insert a comma and delete "[of higher education].".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The question is upon the passage of the article. The secretary will report an amendment.

SECRETARY CHASE: Miss Hart, Messrs. Faxon, Barthwell, T. S. Brown, Follo and Douglas offer the following amendment:

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Nwaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

1 supreme court may prescribe by rule that the
2 court of appeals may sit in divisions and for
3 the terms of court and the times and places
4 thereof. Each such division shall consist of not
5 fewer than three judges. The number of judges
6 comprising the court of appeals may be increased,
7 and the districts from which they are elected
8 may be changed by law.

9 Sec. 9. Judges of the court of appeals shall
10 hold office for a term of six years and until their
11 successors are elected and qualified. The terms
12 of office for the judges in each district shall be
13 arranged by law to provide that not all terms
14 will expire at the same time.

15 Sec. 10. The jurisdiction of the court of ap-
16 peals shall be provided by law and the practice
17 and procedure therein shall be prescribed by
18 rules of the supreme court.

19 Sec. 11. The state shall be divided into judicial
20 circuits along county lines in each of which there
21 shall be elected one or more circuit judges as pro-
22 vided by law. Sessions of the circuit court shall
23 be held at least four times in each year in every
24 county organized for judicial purposes. Each cir-
25 cuit judge shall hold court in the county or
26 counties within the circuit in which he is elected,
27 and in other circuits as may be provided by rules
28 of the supreme court. The number of judges may
29 be changed and circuits may be created, altered
30 and discontinued by law and the number of judges
31 shall be changed and circuits shall be created,
32 altered and discontinued on recommendation of
33 the supreme court to reflect changes in judicial
34 activity. No change in the number of judges or
35 alteration or discontinuance of a circuit shall
36 have the effect of removing a judge from office
37 during his term.

38 Sec. 12. Circuit judges shall be nominated and
39 elected at non-partisan elections in the circuit in
40 which they reside, and shall hold office for a
41 term of six years and until their successors are
42 elected and qualified. In circuits having more than
43 one circuit judge their terms of office shall be
44 arranged by law to provide that not all terms
45 will expire at the same time.

46 Sec. 13. The circuit court shall have original
47 jurisdiction in all matters not prohibited by law;
48 appellate jurisdiction from all inferior courts and
49 tribunals except as otherwise provided by law;
50 power to issue, hear and determine prerogative
51 and remedial writs; supervisory and general con-
52 trol over inferior courts and tribunals within their
53 respective jurisdictions in accordance with rules
54 of the supreme court; and jurisdiction of other
55 cases and matters as provided by rules of the
56 supreme court.

57 Sec. 14. The clerk of each county organized
58 for judicial purposes or other officer performing
59 the duties of such office as provided in a county
60 charter shall be clerk of the circuit court for such

1 county. The judges of the circuit court may fill
2 a vacancy in an elective office of county clerk or
3 prosecuting attorney within their respective juris-
4 dictions.

5 Sec. 15. In each county organized for judicial
6 purposes there shall be a probate court. The leg-
7 islatre may create or alter probate court dis-
8 tricts of more than one county if approved in
9 each affected county by a majority of the elec-
10 tors voting on the question. The legislature may
11 provide for the combination of the office of pro-
12 bate judge with any judicial office of limited juris-
13 diction within a county with supplemental salary
14 as provided by law. The jurisdiction, powers and
15 duties of the probate court and of the judges
16 thereof shall be provided by law. They shall have
17 original jurisdiction in all cases of juvenile de-
18 linquents and dependents, except as otherwise
19 provided by law.

20 Sec. 16. One or more judges of probate as
21 provided by law shall be nominated and elected
22 at non-partisan elections in the counties or the
23 probate districts in which they reside and shall
24 hold office for terms of six years and until their
25 successors are elected and qualified. In counties
26 or districts with more than one judge the terms
27 of office shall be arranged by law to provide that
28 not all terms will expire at the same time.

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

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

42 Each of the judges of the circuit court shall
43 receive an annual salary as provided by law. In
44 addition to the salary received from the state,
45 each circuit judge may receive from any county
46 in which he regularly holds court an additional
47 salary as determined from time to time by the
48 board of supervisors of the county. In any county
49 where an additional salary is granted, it shall
50 be paid at the same rate to all circuit judges
51 regularly holding court therein.

52 Sec. 19. The supreme court, the court of
53 appeals, the circuit court, the probate court and
54 other courts designated as such by the legislature
55 shall be courts of record and each shall have a
56 common seal. Justices and judges of courts of
57 record must be persons who are licensed to prac-
58 tice law in this state. No person shall be elected
59 or appointed to a judicial office after reaching the
60 age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

1 clerk, a county treasurer, a register of deeds
2 and a prosecuting attorney, whose duties and
3 powers shall be provided by law. The board of
4 supervisors in any county may combine the offices
5 of county clerk and register of deeds in one office
6 or separate the same at pleasure.

7 Sec. 5. The sheriff, county clerk, county treas-
8 urer and register of deeds shall hold their prin-
9 cipal offices at the county seat.

10 Sec. 6. The sheriff may be required by law to
11 renew his security periodically and in default of
12 giving such security, his office shall be vacant.
13 The county shall never be responsible for his acts,
14 except that the board of supervisors may protect
15 him against claims by prisoners for unintentional
16 injuries received while in his custody. He shall
17 not hold any other office except in civil defense.

18 Sec. 7. A board of supervisors shall be estab-
19 lished in each organized county consisting of one
20 member from each organized township and such
21 representation from cities as provided by law.

22 Sec. 8. Boards of supervisors shall have legis-
23 lative, administrative and such other powers and
24 duties as provided by law.

25 Sec. 9. Boards of supervisors shall have ex-
26 clusive power to fix the compensation of county
27 officers not otherwise provided by law.

28 Sec. 10. A county seat once established shall
29 not be removed until the place to which it is pro-
30 posed to be moved shall be designated by two-
31 thirds of the members of the board of supervisors
32 and a majority of the electors voting thereon shall
33 have approved the proposed location in the manner
34 prescribed by law.

35 Sec. 11. No county shall incur any indebted-
36 ness which shall increase its total debt beyond
37 10 percent of its assessed valuation.

38 Sec. 12. A navigable stream shall not be
39 bridged or dammed without permission granted
40 by the board of supervisors of the county as pro-
41 vided by law, which permission shall be subject
42 to such reasonable compensation and other condi-
43 tions as may seem best suited to safeguard the
44 rights and interests of the county and political
45 subdivisions therein.

46 Sec. 13. Two or more contiguous counties may
47 combine into a single county if approved in each
48 affected county by a majority of the electors voting
49 on the question.

50 Sec. 14. The board of supervisors of each
51 organized county may organize and consolidate
52 townships under restrictions and limitations pro-
53 vided by law.

54 Sec. 15. Any county, when authorized by its
55 board of supervisors shall have the authority to
56 enter or to intervene in any action or certificate
57 proceeding involving the services, charges or rates
58 of any privately owned public utility furnishing
59 services or commodities to rate payers within the
60 county.

1 Sec. 16. The legislature may provide for the
2 laying out, construction, improvement and main-
3 tenance of highways, bridges, culverts and airports
4 by the state and by the counties and townships
5 thereof; and may authorize counties to take charge
6 and control of any highway within their limits
7 for such purposes. The legislature may provide
8 the powers and duties of counties in relation to
9 highways, bridges, culverts and airports; may pro-
10 vide for county road commissioners to be appointed
11 or elected, with powers and duties provided by law.
12 The ad valorem property tax imposed for road
13 purposes by any county shall not exceed in any
14 year one-half of one percent of the assessed valua-
15 tion for the preceding year.

16 Sec. 17. Each organized township shall be a
17 body corporate with powers and immunities pro-
18 vided by law.

19 Sec. 18. In each organized township there shall
20 be elected for terms of not less than two nor more
21 than four years as prescribed by law a supervisor,
22 a clerk, a treasurer, and not to exceed four trustees,
23 whose legislative and administrative powers and
24 duties shall be provided by law.

25 Sec. 19. No organized township shall grant
26 any public utility franchise which is not subject
27 to revocation at the will of the township, unless
28 the proposition shall first have been approved
29 by a majority of the electors of such township
30 voting thereon at a regular or special election.

31 Sec. 20. The legislature shall provide by law
32 for the dissolution of township government when-
33 ever all the territory of an organized township
34 is included within the boundaries of a village or
35 villages notwithstanding that a village may in-
36 clude territory within another organized township
37 and provide by law for the classification of such
38 village or villages as cities.

39 Sec. 21. The legislature shall provide by gen-
40 eral laws for the incorporation of cities and
41 villages. Such laws shall limit their rate of ad
42 valorem property taxation for municipal purposes,
43 and restrict the powers of cities and villages to
44 borrow money and contract debts. Each city and
45 village is granted power to levy other taxes for
46 public purposes, subject to limitations and pro-
47 hibitions provided by this constitution or by law.

48 Sec. 22. Under general laws the electors of
49 each city and village shall have the power and
50 authority to frame, adopt and amend its charter,
51 and to amend an existing charter of the city or
52 village heretofore granted or enacted by the legis-
53 lature for the government of the city or village.
54 Each such city and village shall have power to
55 adopt resolutions and ordinances relating to its
56 municipal concerns, property and government,
57 subject to the constitution and law. No enumera-
58 tion of powers granted to cities and villages in this
59 constitution shall limit or restrict the general grant
60 of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

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.

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.

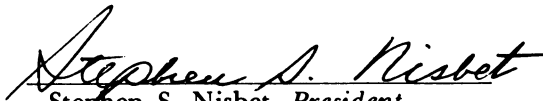
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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

This is a new section spelling out the authority of any county to enter or intervene in any action or proceeding involving the services, charges or rates of any privately owned public utility which serves the people of the county.

Highways; power of supervisors; county road systems; tax limitation.

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.

This is a revision of Sec. 26, Article VIII, of the present constitution to conform with the present county highway system and recognize county responsibility for airports. The terms "road districts", "township commissioners" and "overseers of highways" are deleted as obsolete.

The words "ad valorem property" define precisely the tax intended. The phrase "one-half of one per cent of the" is substituted for "5 dollars upon 1,000 dollars of". This does not change the tax limitation in amount; it simply adjusts the language to conform to other references to taxes in the constitution.

TOWNSHIPS

Townships; corporate character.

Sec. 17. Each organized township shall be a body corporate with * powers and immunities *** *provided* by law.

This is a revision of Sec. 16, Article VIII, of the present constitution. A second sentence in the original section — "All suits and proceedings by or against a township shall be in the name thereof." — is eliminated in the interest of brevity and because the language adds nothing to meaning or legal effect.

Township officers.

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. ****

This is a revision of Sec. 18, Article VIII, of the present constitution to eliminate mention of the highway commissioner, constables and justices of the peace as constitutional officers and recognize the office of township trustee. Deleted from the original section is reference to the time of elections which

is provided in Article II. The new section sets a minimum two-year term for township officers, but permits the legislature to extend the term to four years.

Deleted from the present Sec. 18 is a concluding sentence relating to justices of the peace. The proposed changes in the Judicial Branch eliminate the necessity for this sentence.

The words "legislative and administrative" are inserted before "powers" as a transfer to this section from Sec. 17, Article VIII, of the present constitution.

Public utility franchises.

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.

No change from Sec. 19, Article VIII, of the present constitution except for improvement in phraseology.

Townships; dissolution.

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.*

This is a new section allowing the legislature to dissolve township government whenever there is no unincorporated territory within the township. It prevents two local governments in exactly the same area. The legislature is authorized to classify as cities the village or villages in the area, thus preserving representation on the county board of supervisors and providing for the carrying out of duties in regard to taxation and elections. The section makes provision to include area outside the township to prevent the formation of "splinter" villages.

CITIES AND VILLAGES

Incorporation; taxing powers.

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.*

This is a revision of Sec. 20, Article VIII, of the present constitution. The only substantive change is to spell out clearly that cities and villages may levy both general property taxes and other taxes, subject to the limitations and prohibitions of this constitution. Legal opinion as to current taxing powers