

Michigan Constitutional Convention of 1961

Committee Proposal 83b

Const 1963, Art 7, § 22

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3450, 3469
First Reading	pp. 738, 1005-1008, 1020-1023, 1029-1033, 1045-1048, 1065-1071, 1890
Second Reading	pp. 2516-2523, 2529-2530, 2532-2536
Draft Constitution (Art 7, § 22)	pp. 3047-3075 (p. 3064)
Third Reading, Article-by-Article	pp. 3145-3146
Draft Constitution (Art 7, § 22)	pp. 3215-3237 (p. 3228)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 7, § 22)	pp. 3319-3353 (p. 3340)
Address to the People	p. 3393

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

Committee Proposal No.	Page	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
		As rereferred to 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.		Feb. 1, reported by local government; referred to committee of the whole	738
For text as offered and reasons	929	Feb. 14, read first time; considered, passed by committee of the whole	1048-1055
For minority reports and reasons	930	Feb. 14, reported by committee of the whole without amendment; referred to style and drafting	1065
As referred to style and drafting	985	Mar. 27, reported by style and drafting (Report 42); placed on order of second reading	1890
As reported by style and drafting	2505	Apr. 17, read second time; passed; rereferred to style and drafting	2536-2538
As rereferred to style and drafting	2512	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. 1, reported by local government; referred to committee of the whole	738	For text as offered and reasons	1055
Feb. 9, read first time; sections a, b, c, d, e, f considered, passed by committee of the whole	929-938, 940-952	As referred to style and drafting	1107
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 reported by style and drafting	2538
Feb. 12, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	982-985	As rereferred to style and drafting	2538
Mar. 27, reported by style and drafting (Report 39); placed on order of second reading	1890	Feb. 1, reported by local government; referred to committee of the whole	739
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2505-2513	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

Page

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

Page

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

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.

EACH SUCH CITY AND VILLAGE IS HEREBY GRANTED FULL POWER TO PASS LAWS AND ORDINANCES RELATING TO ITS MUNICIPAL CONCERNS, PROPERTY, AND GOVERNMENT, BUT THE LEGISLATURE MAY ENACT LAWS OF STATEWIDE CONCERN WHICH WILL PREEMPT THE FIELD ONLY WHEN THIS INTENTION IS SO STATED THEREIN. NO ENUMERATION OF POWERS IN THIS CONSTITUTION SHALL BE DEEMED TO LIMIT OR RESTRICT THE GENERAL GRANT OF AUTHORITY HEREBY CONFERRED. SUCH CITIES AND VILLAGES SHALL HAVE EXCLUSIVE JURISDICTION OVER MATTERS OF LOCAL GOVERNMENTAL PERSONNEL AND ADMINISTRATION.

Sec. c. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, [almshouses] 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 FOR ANY PUBLIC PURPOSE EXCEPT AS AUTHORIZED BY LAW.

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 for supplying water, light, heat, power, SEWAGE DISPOSAL, and transportation to the municipality and the inhabitants thereof; and 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, 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. [: Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than 25,000 inhabitants.]

Sec. f. [No city or village shall have power to abridge the right of elective franchise, to loan its credit; nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any] NO city or village SHALL acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of 3/5 of the electors of such city or village voting thereon at a regular or special municipal election. [; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.] NOR SHALL ANY CITY OR VILLAGE SELL ANY PUBLIC UTILITY UNLESS SUCH PROPOSITION SHALL HAVE FIRST RECEIVED THE AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTORS OF SUCH CITY OR VILLAGE VOTING THEREON AT A REGULAR OR SPECIAL MUNICIPAL ELECTION.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 83:

[The comment regarding sections a and b immediately following is the comment as originally submitted by the committee. This was ordered revised on February 8 (see above, page 909). The revised comment appears following this original comment.]

Section a comment. In 1908, this section was spelled out in great detail because the home rule concept was

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

new and the delegates wanted to be as precise as possible. They therefore provided for a separate general law for cities and for villages. Home rule and the avoidance of special act charters is now established practice in Michigan and the change in the first sentence is made only for the sake of brevity and simplicity. In the third line, the term "general property" is used to be specific and to distinguish the limitation on property taxes from the new grant of power to levy nonproperty taxes in the last sentence. The grant of power for nonproperty taxes is added to permit cities and villages that wish to ease the burden on the property tax to act on the basis of clear constitutional authority, for legal opinion as to current taxing powers of cities and villages is conflicting. The committee proposal does not attempt to specify the taxes a municipality might or should adopt, but to make possible a local decision on such matters, subject to limitations and prohibitions contained in this constitution or general laws now existing or that might be adopted by a future legislature. The committee on finance and taxation has concurrent jurisdiction on this section and has no objection to these changes. The committee majority is of the opinion that wages and hours should be set by the local governing body rather than by the legislature. Local officials are better acquainted with their fiscal problems and can more readily solve them than is likely to be the case with a legislator voting on a problem with which he is not familiar. Cities and villages differ greatly in resources and their ability to finance wage and salary schedules and any general act of the legislature concerning these matters cannot take account of the diversity among local units of government.

Section b comments. The language change in the first paragraph is to achieve a more positive statement of the right of cities and villages to home rule. The only substantive change is to make it clear that the power to revise a charter exists along with the other rights named. This is to clear up a possible ambiguity. The language deleted in lines 6 through 9 is replaced by a more positive statement in the second paragraph. In addition, home rule cities and villages are guaranteed full power over their own property and government, and these powers cannot be limited except by deliberate statement of intent by the legislature. In the past, general laws of the state providing for a standard of service or performance have been held by the courts to make invalid municipal ordinances or charter provisions providing a higher standard. This is undesirable and this language will permit the municipal provisions to stand in the absence of deliberate intent by the legislature to set them aside. The last sentence of the second paragraph is intended to strengthen and clarify municipal home rule by granting the local legislative body the right to control local personnel and administration. It is the feeling of a majority of the committee that certain categories of municipal employees are given preferred treatment by state laws to the detriment of other employees. Nothing in this section would prohibit municipalities from applying standards and practices in current state laws to their municipal personnel. The general saving clause of this constitution will protect existing rights, but future changes in personnel regulations will be made by ordinance or charter.

Following is the comment regarding sections a and b as revised on February 8 (see above, page 909) by the committee on local government:

Section a comment. In 1908, this section was spelled out in great detail because the home rule concept was new and the delegates wanted to be as precise as possible. They therefore provided for a separate general law for cities and for villages. Home rule and the avoidance of special act charters is now established practice in Michigan and the change in the first sentence is made only for the sake of brevity and simplicity. In the third line, the term "general property" is used to be specific and to

distinguish the limitation on property taxes from the new grant of power to levy nonproperty taxes in the last sentence. The grant of power for nonproperty taxes is added to permit cities and villages that wish to ease the burden on the property tax to act on the basis of clear constitutional authority, for legal opinion as to current taxing powers of cities and villages is conflicting. The committee proposal does not attempt to specify the taxes a municipality might or should adopt, but to make possible a local decision on such matters, subject to limitations and prohibitions contained in this constitution or general law now existing or that might be adopted by a future legislature. The committee on finance and taxation has concurrent jurisdiction on this section and has no objection to these changes.

Section b comments. The language change in the first paragraph is to achieve a more positive statement of the right of cities and villages to home rule. The only substantive change is to make it clear that the power to revise a charter exists along with the other rights named. This is to clear up a possible ambiguity. The language deleted in lines 19 through 22 is replaced by a more positive statement in the second paragraph. In addition, home rule cities and villages are guaranteed full power over their own property and government, and these powers cannot be limited except by deliberate statement of intent by the legislature. In the past, general laws of the state providing for a standard of service or performance have been held by the courts to make invalid municipal ordinances or charter provisions providing a higher standard. This is undesirable and this language will permit the municipal provisions to stand in the absence of deliberate intent by the legislature to set them aside. The last sentence of the second paragraph is intended to strengthen and clarify municipal home rule by granting the local legislative body the right to control municipal wages and hours and administration. It is the feeling of a majority of the committee that certain categories of municipal employees are given preferred treatment by state laws to the detriment of other employees. The committee is of the opinion that wages and hours should be set by the local governing body rather than by the legislature, except where state law deals with all persons, or all public employees. Local officials are better acquainted with their fiscal problems, and can more readily solve them than is likely to be the case with a legislator voting on a problem with which he is not familiar. The right of the municipality to decide on matters of wages and hours should be preserved in all cases except where the legislature determines that some statewide interest is involved, but its action in such cases should be limited to all persons or all public employees without favor or distinction among them.

Section c comments. This section remains unchanged except for the deletion of the reference to "almshouses", which is obsolete. The enumeration here is not intended to restrict the powers of municipalities to the functions listed, but to guarantee their rights to perform certain functions either inside or outside of their corporate limits.

Section d comments. This section is a new section and presents in amended form the first sentence of section 25 in the present constitution. The limitation on the use of taxes for public purposes only is unchanged from the present constitution. The right to loan credit is broadened to permit this to be done for public purposes as authorized by the legislature. The legislature might, for example, permit 2 or more municipalities to loan their credit in order to finance a joint public works project by general obligation bonds, which would permit a lower interest rate than if revenue or special assessment bonds were used. It is the committee's opinion that this provision in no way conflicts with article X, section 12. The committee on finance and taxation has no objections to this language. This section deletes the reference to elective

franchise as this matter has been referred to the committee on declaration of rights, suffrage and elections.

Section e comments. The courts have construed this section to mean that a city or village cannot engage in any business but must restrict itself to public utilities. The committee recommends 3 changes in the section. First, adding to the list of utilities, "sewage disposal", without wishing to raise the legal questions whether or not sewage disposal should be regarded as a public utility. It was felt that this function of local government should be listed here so as to make it indisputable that cities and villages can operate such plants either within or without their limits. Secondly, there should not be any limits to the sale of these utilities either within or without the corporate limits of municipality. The power granted municipalities to sell and deliver utility services without their corporate limits is designed to prevent the duplication of plants in contiguous localities and to allow the extension of the benefits of such improvement to territory not sufficiently populous to warrant the establishment of such activities as either a public or private enterprise. The present constitution contains a 25 per cent limitation on heat, power and light delivered outside the limits. It was felt that this limit was arbitrary and that the legislature should have the authority to authorize a higher figure. The committee felt this was desirable in a constitution that should, wherever possible, allow for future contingencies. Testimony was given in some instances that this figure should be larger. However, the committee felt that some control should be exercised relative to heat, light and power. Third, the committee recommends the deletion of the restriction of public transit facilities to cities and villages of over 25,000. The original purpose of this clause appears to have been to prevent small cities from entering into unwise transit ventures that could not retire their original capital outlays. Today, the unprofitability of public transit is known to all and this danger is small. There are also at least 2 positive reasons for deleting this clause. One is to permit the use by all municipalities of the plan whereby a city or village acquires a private transit system for a symbolic amount and then leases it to a private operating firm, thus minimizing taxes. This privilege should logically be available to all municipalities. The other reason is to permit municipalities in metropolitan areas including those of under 25,000 inhabitants to join together in a public transit system.

Section f comments. The committee recommends 3 changes in this section. It proposes to amend the first sentence and move it to a new section for it deals with subject matter not germane to this section. The last clause of the last sentence relative to women taxpayers is obsolete and should be deleted. The 3/5 affirmative vote of the electors for a city or village to acquire a public utility should be retained in this section. The committee proposes to add a new sentence relative to the sale of municipally owned utilities. It believes that a large investment such as that represented by a utility should not be disposed of without permission of a majority of the voters, who as taxpayers are owners. There is no constitutional restriction on such, relative to the sale of utilities in the present constitution. A 3/5 majority, which is required for purchase of a utility, seems to have been provided in 1908 because such a purchase implies a commitment to the making of a large investment which should not lightly be undertaken. The consideration involved is not the same in a sale but is largely restricted to the questions of whether most voters believe sale is desirable and the sale price is satisfactory. This section has the approval of the committee on declaration of rights, suffrage and elections and the committee on finance and taxation.

Following is minority report A to Committee Proposal 83 as offered and the reasons submitted in support thereof:

Messrs. Ford, Buback, Baginski, Mrs. Hatcher, Messrs.

Madar and Suzore, a minority of the committee on local government, submit the following minority report A to Committee Proposal 83:

A minority of the committee recommends that the last sentence of section b, Committee Proposal 83, be not adopted.

Messrs. Ford, Buback, Baginski, Mrs. Hatcher, Messrs. Madar and Suzore, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 83:

As stated in the comments to the committee proposal contained in Journal 70, page 439, the purpose of this last sentence of section b is to prevent the legislature from adopting by general law statewide minimum standards concerning wages, hours or working conditions for municipal employees. The immediate effect of this prohibition would result in a condition wherein the legislature would be empowered by the constitution, as it has been in the past, to provide such minimum standards for all persons in the state except municipal employees.

The minority believes that the legislature has not burdened home rule cities and villages with unreasonable restrictions concerning municipal rights in this area and feels that statewide uniform minimum standards for municipal employees are fully as important as they may be for any other employees.

Following is minority report B to Committee Proposal 83 as offered (no reasons were submitted in support thereof):

Mrs. Hatcher, Messrs. Buback and Madar, a minority of the committee on local government, submit the following minority report B to Committee Proposal 83:

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

All of the following changes to be made on page 3.

Line 17: "city or village voting thereon at a regular [or special] municipal election".

Line 22: "TIVE VOTE OF [A MAJORITY] 3/5 OF THE ELECTORS OF SUCH CITY".

Line 23: "OR VILLAGE VOTING THEREON AT A REGULAR [OR SPECIAL]".

[Section a was read by the secretary. For text, see above, page 1005.]

CHAIRMAN DeVRIES: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, now, after nearly 3 days completing the first 2 proposals, I want to tell you how grateful I am that we quickly went through the noncontroversial sections of local government. We now are going to get into a section which may cause some debate, and I would like to call upon the subcommittee chairman, Mr. McCauley, to handle this particular section, and I yield to him.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Wyandotte, Delegate McCauley.

MR. McCAULEY: Mr. Chairman and members of the committee, I might say in prefacing my remarks, that we are here getting into the home rule provision of cities, and eventually we hope to get into the home rule provision of counties, and I certainly hope that we are approaching new horizons and not lost horizons.

I might say that the members of the subcommittee were Mr. Leslie Richards from Negaunee and Clarence Dell from St. Ignace and "smart" Martin Tweedie from Port Huron.

Concerning ourselves now with section 20 of the old 1908 constitution, I would like to point out to the committee as follows:

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

[The revised supporting reasons to section a were read by Mr. McCauley. For text, see above, page 1006.]

I therefore move the adoption of the section.

CHAIRMAN DeVRIES: Are there any amendments to section a of Committee Proposal 83? Does the delegate from Howell, Delegate Sharpe, wish recognition?

MR. SHARPE: Yes, Mr. Chairman. I have an amendment on the secretary's desk, and I would like to have him read it at this time.

CHAIRMAN DeVRIES: The secretary will read the amendment.

SECRETARY CHASE: Messrs. Sharpe, Finch and Snyder offer the following amendment:

1. Amend page 1, line 13, after "law.", by inserting "However no unit of government shall have the power to levy a payroll tax upon a nonresident."

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegate Sharpe. Mr. Sharpe.

MR. SHARPE: Mr. Chairman, I had a 21 page speech all made up, but I couldn't find it, and Mr. Snyder only has an 8 page speech, so I think that I will yield to him.

However, this amendment is quite self explanatory and I hope it will not provoke a long debate. I would like to make it perfectly clear that we are not against a city invoking any type of tax it so desires, as long as it is not on those who do not live within the city limits. We don't have any presumption of trying to stop them from taxing an industry or the profits thereon, or the profits on any bonds or anything else, except for the payroll of those people who do not live within the city limits or within the core city.

At this time, if it is permissible, I would like to yield to my friend with the 8 page speech, Mr. Snyder.

CHAIRMAN DeVRIES: Delegate Sharpe yields to the gentleman from St. Clair Shores, Delegate Snyder.

MR. SNYDER: Thank you very much. Mr. Chairman and fellow delegates, I certainly appreciate the opportunity of being able to present to you a problem that is causing much concern and consternation, not only in my district, but, in the discussion with delegates from other parts of the state of Michigan, concern in their districts also. I am very pleased that we can come up here with a bipartisan effort to resolve a very difficult problem, and I certainly feel that if, as delegates, we don't consciously and diligently look into this matter, we may create irreparable harm.

I would also like to point out that last Saturday, in the city of Detroit, members of the tricity area from Macomb, Oakland and Wayne met at the invitation of the Detroit mayor, in his chambers, and after several hours of discussion on local government, we didn't get to the problem that we have at hand. It seems like the local government problems seem to have a tendency of attracting more discussion and debate than, sometimes, the bread and butter issues. However, we did make a sincere attempt, a sincere bipartisan attempt to relate to the chief executive of the city of Detroit that we were sympathetic to the problems of Detroit; that we wanted to work out the problems, but at the same time we couldn't resolve a problem there at the expense of creating larger and greater problems to the perimeter residents.

If I may have your indulgence, I would like to bring to you what I feel is the problem that we have before us. I would like to call your attention to some of the inequities I believe would develop if units of government are permitted to adopt and impose a payroll tax affecting those who work in but live outside the corporate limits. I submit that this kind of enforced collection is a clear cut case of taxation without representation. Obviously you are wrestling with the problems of furnishing local communities with enough money to furnish services the property tax no longer is capable of supporting, and I agree that the property tax is no longer capable of supporting these services, and I agree that property taxes, in many places, have reached confiscatory proportions, but I feel strongly that local payroll taxes on nonresidents are not the answer. First and foremost, such a move would trigger a chain reaction with community after community retaliating.

this is also limited by the prohibitions; that is, it is subject to any limitations and prohibitions set forth in the constitution or law. So, the legislature makes the limitation in both sets of taxes, both ad valorem, general property, and specific. And, we wanted to do that. In fact, we went out of our way on the bottom part because we didn't want to have an unlimited rate of specific taxes.

If there is anything wrong with it and it isn't clear, the style and drafting committee can clear it up. Personally, I think it is clear, and the intent is to have a limitation on both.

CHAIRMAN DeVRIES: Delegate Donnelly.

MISS DONNELLY: Did you have this briefed out, as to this construction, if I may ask? I think, to me, the intent is not clear to allow them to limit on both. It seems to me you very specifically say—you have added new language, you have changed the constitution in the past, the constitution in the past said they had to limit their rate. You have now inserted "general property". They must use this insertion for some reason, and by inserting "general property", this must be construed to mean something. Then a few lines later, you say, "or law", it would mean to me to relate back to only general property law.

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

MR. A. G. ELLIOTT: Mr. Chairman, Miss Donnelly, this language was given careful consideration by the committee in its deliberations, as well as being given to the research and drafting department for careful work. I am sure that what Mr. Allen has explained to you is what the language does; it is what we intended it to do, and because of those reasons, I would urge that we defeat the amendment. In fact, I don't think that you really want the amendment if you are satisfied that the language does what Mr. Allen has told you. Isn't that correct?

MISS DONNELLY: If your position is correct, I don't know why you object to the deletion, because then the deletion makes it absolutely clear, whereas, by leaving it in I think you put a large question as to whether it is true or not.

MR. A. G. ELLIOTT: Mr. Chairman, Miss Donnelly, this is a matter of interpretation. We wanted it to be perfectly clear and that is why this additional language was added.

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

MR. AUSTIN: Mr. Chairman, I am wondering if I could help Miss Donnelly by suggesting one word that we add to line 11. Miss Donnelly, would you follow me on this? In line 11, if we say—well, reading the whole sentence—"Each city and village is hereby granted power to levy other taxes . . .", using the word "other", would that make it clear as to what the committee intended? ". . . levy other taxes for public purposes", the first part relating to general property.

I am wondering if Mr. McCauley would comment on that, and I will make that as an amendment.

CHAIRMAN DeVRIES: Delegate Austin yields to Delegate McCauley.

MR. McCAULEY: I would oppose it as an amendment, Dick. However, if style and drafting felt that this was necessary to clarify it and to put Miss Donnelly at ease, I am sure the committee certainly would have no objection.

CHAIRMAN DeVRIES: Delegate Austin.

MR. AUSTIN: I think, perhaps, that I should propose that as an amendment; that we amend line 11, by inserting the word "other" after the word "levy".

CHAIRMAN DeVRIES: Would you put your amendment in writing, Delegate Austin?

Delegate Donnelly.

MISS DONNELLY: I do think that that would help clarify it. I think the deletion makes it absolutely clear. If we want to make it short, the deletion is better. But certainly the addition of the word "other" does do a large measure to change the possible construction, in my opinion.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegates Donnelly and Boothby to section a. The secretary will read the amendment.

SECRETARY CHASE: The amendment:

[The amendment was again read by the secretary. For text, see above, page 1019.]

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

MR. MAHINSKE: I wonder if Miss Donnelly and Mr. Boothby want their amendment to go through, in view of the fact that we have tentatively agreed to add the word "other" in there. Now, we, if we are going to add the word "other"—

CHAIRMAN DeVRIES: Delegate Mahinske, the committee has not tentatively agreed to this. Delegate Austin hasn't submitted the amendment, as yet. Miss Donnelly has not withdrawn her amendment.

MR. MAHINSKE: But she has been asked this.

CHAIRMAN DeVRIES: Do you want to withdraw your amendment, Miss Donnelly?

MISS DONNELLY: On the condition that the other goes through, I will be very happy to.

CHAIRMAN DeVRIES: The Chair cannot guarantee that the other will go through, Miss Donnelly. Does the delegate from Highland Park wish to withdraw her amendment? Delegate Austin has submitted his.

MISS DONNELLY: I will be happy to temporarily withdraw it.

CHAIRMAN DeVRIES: Without objection, Delegate Donnelly happily withdraws her amendment. The question before the committee now is the amendment offered by Delegate Austin, which the secretary will read.

SECRETARY CHASE: Mr. Austin offers the following amendment:

1. Amend page 1, line 11, after "levy" by inserting "other"; so that the language will read: "Each city and village is hereby granted power to levy other taxes for public purposes subject to limitations and prohibitions set forth in this constitution or law."

CHAIRMAN DeVRIES: The question before the committee is the adoption of the Austin amendment. The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: I would suggest we adopt the amendment.

CHAIRMAN DeVRIES: As many as are in favor of the Austin amendment will say aye. Opposed, no.

The amendment is adopted. Are there any further amendments to section a? If not, it will pass.

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

SECRETARY CHASE: Section b.

[Sec. b, paragraph one, was read by the secretary. For text, see above, page 1005.]

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

MR. McCAULEY: Mr. Chairman, if there is no objection by the committee, I would just as soon have Mr. Chase read down and exclude the last sentence, because we feel that these are 2 areas that could be controversial, and we would like to take the rationale down to the last sentence, because there is a committee amendment to the last sentence.

CHAIRMAN DeVRIES: Without objection the section will be divided. Do you wish to speak to the first sentence of the section?

MR. McCAULEY: I would like the secretary to read the first 2 paragraphs and exclude the last sentence, and then speak to the first 2 paragraphs.

CHAIRMAN DeVRIES: The secretary will read.

SECRETARY CHASE: The second paragraph, exclusive of the last sentence, reads as follows:

Each such city and village is hereby granted full power to pass laws and ordinances relating to its municipal concerns, property, and government, but the legislature may enact laws of statewide concern which will preempt the field only when this intention is so stated therein. No enumeration of powers in this constitution shall be deemed

to limit or restrict the general grant of authority hereby conferred.

CHAIRMAN DeVRIES: Delegate McCauley.

MR. McCAULEY: Mr. Chairman and members of the committee, the language change in the first paragraph is to achieve a more positive statement of the right of cities and villages to home rule. The only substantive change is to make it clear that the power to revise a charter exists along with the other rights named. This is to clear up a possible ambiguity. The language deleted in lines 6 through 9 is replaced by a more positive statement in the second paragraph. In addition, home rule cities and villages are guaranteed full power over their own property and government, and these powers cannot be limited except by deliberate statement of intent by the legislature. In the past, general laws of the state providing for a standard of service or performance have been held by the courts to make invalid municipal ordinances or charter provisions providing a higher standard. This is undesirable and this language will permit the municipal provisions to stand in the absence of deliberate intent by the legislature to set them aside.

CHAIRMAN DeVRIES: Are there any amendments to the first paragraph of section b?

SECRETARY CHASE: Mr. Sharpe offers the following amendment:

1. Amend page 1, line 14, after "Sec. b.", by inserting "Under such general laws"; and in line 15, after "village" by striking out "are hereby granted" and inserting "shall have"; so that the language will then be substantially restored as it stands in the present constitution and would read:

Under such general laws the electors of each city and village shall have 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.

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

MR. SHARPE: Mr. Chairman, now I would like to see just how much consistency we have with the people wanting the legislature to do so many things. It looks to me like some of the members of our committee have reached down and picked themselves up by their own bootstraps and allowed the cities to have this general power.

They have never given any consideration to the legislature on this particular section, section b, however, and I would like to see, now, what the reaction is. They were all together in favor of leaving everything in section a to the legislature. I am also in favor of doing the same thing in section b.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Wyandotte, Delegate McCauley.

MR. McCAULEY: Mr. Chairman, it certainly wasn't the intent of the committee to delete any language from this that would be granting cities more power or deleting it. It was the feeling of the committee, after consulting with the research department, that section a, whereby the cities are incorporated under such general law, following that down into section b, that this was just a repetition. That was the only purpose for deleting it.

CHAIRMAN DeVRIES: The question before the committee is the Sharpe amendment to the first paragraph of section b. The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, all I wanted to say is that I am aware that there is some concern around convention hall that although the committee assures us it intended no substantive change by this language, that a substantive change has been effected by it.

Under the old statute, under the old provision, it is clearly stated that "under general laws" the electors could do thus and so, the electors of a city or village. The new language strikes out this reference to "under general laws" and, apparently, vests in them some kind of an inherent and independent power. I state that there is considerable concern in

some part of the convention that you have accomplished a substantive change. Maybe you did not intend it. I would support the amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Muskegon, Delegate Seyferth.

MR. SEYFERTH: My question, Mr. Chairman, is to one of the committee members. Is it not true that the last sentence of the paragraph, which says, "The legislature shall provide by general law the procedure for framing, adopting, amending, and revising such charters," takes care of striking out the first few words?

CHAIRMAN DeVRIES: Delegate Seyferth yields to Delegate McCauley.

MR. McCAULEY: That was our thinking, Delegate Seyferth.

CHAIRMAN DeVRIES: The Chair recognizes Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to point out that there is a difference here. The language that Mr. Seyferth reads says that "The legislature shall have the power . . ." to do what? Merely to provide the procedures of what goes into those charters; whereas the old language and the present home rule acts not only provide the procedures, but they also provide such things as this: "every city charter shall provide," and "every city charter may provide" other things.

In other words, under the present home rule system, within the framework of a general law, the state as a whole, if you please, the legislature, acting for the state as a whole, can, in a sense, define what must go into a charter and what may go into a charter. Now you are wiping all that out and simply saying the legislature has the power to provide the procedures whereby the people may revise and amend their charters.

Very obviously, you are taking away from the state any control over the substance of those charters, and I think that is a substantive change.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ypsilanti, Delegate Lawrence.

MR. LAWRENCE: First I would like to ask a question. When this proposition was divided, was the first paragraph of section b taken alone, and we are not dealing with any part of the second paragraph of section b?

CHAIRMAN DeVRIES: That is the understanding of the Chair, Delegate Lawrence. We are dealing now with the first paragraph, as requested by the committee.

MR. LAWRENCE: I would have to agree with Delegate Hutchinson that the addition of the new last sentence to the first paragraph certainly does not leave the meaning of that paragraph unchanged from the present act. There is no need of repeating what he has said because that is what I had in mind.

This would seem to take the control of a general home rule act, as applicable to all of the cities in the state, away from them and would allow each municipality to go ahead and pass anything that it desired—

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

CHAIRMAN DeVRIES: State your point of order.

MR. McCAULEY: Mr. Chairman, it was the intention, at least my intention, that we were taking the first 2 paragraphs together and separating the last sentence; that is all; so I would like Delegate Lawrence to think about the second paragraph, too, in light of Senator Hutchinson's remarks.

CHAIRMAN DeVRIES: The Chair stands corrected, and we shall consider the first 2 paragraphs, and divide the question and consider the last sentence after we have disposed of the first 2 paragraphs excluding the last sentence.

MR. LAWRENCE: I was trying to do a little research on this subject, and I thought something of that nature was passing my orbit. That is why I asked the question. If that is the case, I, at least, anticipate putting in an amendment to a portion of the second paragraph, the portion that would be under consideration, and I just didn't want to get myself in a position, if I could avoid it, where by this type of division I would suddenly find that everything down to the last sentence had been passed without my getting that amendment in. So I want to be sure that any rights I have, if any, are preserved.

I now want to get back to the subject at hand. It has always been the policy in Michigan, first, of course, to consider that cities are really creatures of the legislature and a part of the legislature; that they have no independent existence. In other words, they are arms of the legislature. To give to those cities complete authority, without any restriction, to pass these local acts, so to speak, or acts governing themselves, would seem to me to be a rather radical departure, and I wonder if we are quite ready to take it, because certain rights in certain individuals and otherwise have been created under the present system.

I would support the amendment and feel that the present wording will go far beyond, certainly, what has been our concept of municipal home rule or municipal government.

CHAIRMAN DeVRIES: The question before the committee is the Sharpe amendment. Delegate Donnelly.

MISS DONNELLY: If we are going to take the 2 paragraphs together, I will definitely support the amendment and agree with Senator Hutchinson because the second paragraph gets to the point that the legislature shall preempt the field, and then they specifically say that they preempt the field, which means that all the laws that they have on this now, in my opinion, would be wrong and they would have to reenact them if they have now preempted the field on this subject. If you put these 2 paragraphs together, it makes it even more so.

CHAIRMAN DeVRIES: The understanding of the Chair is that we are considering the paragraph on page 1, lines 14 through 22; on page 2, lines 1 through 11. The Chair recognizes the gentleman from Lansing, Delegate Wanger.

MR. WANGER: Mr. Chairman, I would like to direct a question to Mr. McCauley regarding these 2 paragraphs taken together, except for the last sentence of the second paragraph.

I gathered, from his previous comment, that he thought that the legislature, under the second paragraph, had the power to entirely preempt the field, so that they could establish general laws regarding any matter that they believed to be of statewide concern in connection with the government of cities or villages. Is that a correct interpretation of your remarks, Mr. McCauley?

CHAIRMAN DeVRIES: Delegate McCauley.

MR. McCAULEY: That is correct, concerning full power to pass laws and ordinances except as preempted by the state for statewide concern.

MR. WANGER: Yes. Now, as I read that, that power to preempt the field applies only to the power to pass laws and ordinances, and does not apply to the power to adopt or revise the charter; because the second paragraph deals entirely with the power of the city or village to pass laws and ordinances, and the first paragraph deals only with the power to adopt, amend or revise a charter. It, therefore, seems to me that you very clearly create a difficult problem of interpretation, which would undoubtedly have to be settled by the supreme court as to whether or not a city or village could put anything into its charter, any general laws of the state notwithstanding.

MR. McCAULEY: I think you make a pretty good argument on that point. As I say again, it was the intention of the committee not to make a substantive change in the first paragraph. It was our feeling that the rest of the language in the section would grant the legislature powers to control the revision, adoption, amendment, and so on, of charters.

CHAIRMAN DeVRIES: The Chair recognizes Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to just make this situation clear. Maybe everybody on the committee floor here understands it, but let me state it, anyway. Under the present constitution the home rule powers of a city or a village are dependent upon a general law of the legislature, by which the legislature says what a charter may contain and what a charter shall contain, and the legislature is in the position then of controlling it, yes, to some extent from a general statewide picture.

Here is what these 2 paragraphs do, if I read them correctly, as the committee proposal stands. They turn the whole

thing inside out. The city or the village shall have power to do anything that the legislature doesn't prohibit, so that the city's or village's powers are not powers resting upon a grant, but they have all powers except such as the state prohibits them.

Put yourself in the position of the legislature, if you please, for a minute, and think about what a tremendous job it is going to be for that legislature to try to anticipate and out-guess everything that it does not want a municipality to do. It is almost impossible to try to anticipate things that some municipality might want to do, and anticipate them in advance and try to prohibit them. The chances are that the municipality will go ahead and do those things and then only after they are done will it come to statewide attention, with a great deal of confusion, bad policy, and everything else resulting. And, I tell you, you are putting the state authority, whether it be the legislature or the whole state government, in a very embarrassing position of trying to have to anticipate and outguess. The better policy, in my opinion, is the policy that we have had.

If, for any reason, the home rule acts now on the books are not adequate, it isn't an impossible thing to go to the legislature and get those acts amended to broaden those powers. But, in any event, in that case the legislature is in the position of having determined the positive question about what powers shall be granted instead of having, as I say, to try to anticipate and outguess what might be going on and have to prohibit them in advance.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: I wonder, Mr. Hutchinson, if, in order to clarify this, you are speaking to the first part of the paragraph, which is the subject matter concerning the adoption of a charter and the amendment and revising, or are you referring also, or separately, to power to pass laws and ordinances relating to its municipal concern?

MR. HUTCHINSON: In answer, Mr. Allen, I would hope that we should have been discussing the first paragraph of this section. I think that is much more orderly than to try to take both paragraphs together. But since we were taking both paragraphs together, then, I thought it was probably in order to speak to the second paragraph. I am now addressing myself to this second paragraph, but I would much rather that we confine ourselves now to this first paragraph having to do with the charter itself.

MR. ALLEN: I didn't know which one to answer. I think we are all getting a little confused because we are considering them together.

Mr. Chairman, do you want to hold the committee to the first paragraph alone temporarily?

CHAIRMAN DeVRIES: Without objection from the chairman of the committee on local government, we will consider the first paragraph by itself. Is there any objection?

MR. MAHINSKE: Well, yes, I object.

CHAIRMAN DeVRIES: Delegate Mahinske objects.

MR. MAHINSKE: I don't think that we can divide these 2. To get any meaning out of either paragraph, I would have to read them both, myself, and I come up with the same answer that Mr. Hutchinson comes up with, that we are starting—the existing situation that we have now is the legislature lays down the general enabling statutes for cities and villages. It sets out the restrictions, and the villages and the cities set up their charters geared to these statutes. What we are now saying is the cities and the villages may set up their charters and when they reach a point that the legislature objects, the legislature shall preempt the field and restrict activity in certain areas.

This sounds to me like the same argument that we hear quite often from Mr. Hutchinson when we are talking about the constitution, from the legislature, that they set down restrictions only on the legislature, and they shall be able to do anything else that they are not restricted in. Frankly, I don't see any reason why the local government unit should be treated any other way.

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.

A ground where everyone can stand
And say, "This is the promised land."
And as of now I have no fear
That we'll not find the right way here,
And I can hear some voices shrill:
"Say, Grandpa, what's the 15 Mill?"

(applause)

PRESIDENT NISBET: Thank you, Mr. Turner, for your Valentine's day message.

Mr. Goebel.

MR. GOEBEL: Mr. President, I move that it be printed in the journal.

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

The motion prevails.

Reports of standing committees. Mr. DeVries.

MR. DeVRIES: Mr. President, fellow delegates, I have a weather bulletin on constitution hall this morning. The prognosis is that the temperature will range from 72 to 74. It is now 72. It will not go any higher than 74. The bulletin also says that during the day the situation will be cloudy and windy with gusts up to 150 words per minute. (laughter)

PRESIDENT NISBET: This promises to be a good day. (laughter) Any other committee reports?

SECRETARY CHASE: None on the desk, Mr. President.

PRESIDENT NISBET: Communications from state officers.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: **Motions and resolutions.**

SECRETARY CHASE: Mr. Kuhn offers

Resolution 71, A resolution with respect to adjustment of the voting machine to eliminate visual registration of the vote until the machine has been locked.

Whereas, At present the voting machine, on a roll call vote, registers visually the vote of each delegate as soon as he operates his voting switch; and

Whereas, This detracts from the independence of the several delegates by enabling those of uncertain mind to refrain from voting until aware of the votes of other delegates; now therefore be it

Resolved, That a suitable adjustment be made on the voting machine to the end that, on a roll call vote, the machine will not register visually until the vote has been cast and the machine locked.

PRESIDENT NISBET: The resolution is referred to the committee on rules and resolutions.

Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** Mr. DeVries.

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

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

The motion prevails. Mr. 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 the committee met it was considering **Committee Proposal 83**, A proposal pertaining to cities and villages; and certain amendments have been adopted. The secretary will read.

For last previous action by the committee of the whole on Committee Proposal 83, see above, page 1005.

SECRETARY CHASE: There are no further amendments on file to paragraph 1 of section b.

CHAIRMAN DeVRIES: The committee will proceed to the second paragraph of section b. Are there any amendments

to the second paragraph of section b? The secretary will read the paragraph.

SECRETARY CHASE: Beginning on page 2, line 3:

[The second paragraph of section b was read by the secretary. For text, see above, page 1005.]

SECRETARY CHASE: Mr. Elliott, on behalf of the committee on local government, offers the following amendment:

1. Amend page 2, line 11, after "hereby conferred," by striking out the balance of that section and inserting "Such cities and villages shall have exclusive jurisdiction over wages and hours and administration except for general laws applicable to all persons or all public employees alike."

CHAIRMAN DeVRIES: The question before the committee is the Elliott amendment. The Chair recognizes the gentleman from Pleasant Ridge, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I would like to suggest —

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

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

MR. FORD: A minority report is on file, which I think would take precedence over the Elliott amendment.

CHAIRMAN DeVRIES: The Chair rules that the committee amendment takes priority over the minority report.

MR. FORD: This is not a committee amendment. This is Mr. Elliott's amendment.

MR. A. G. ELLIOTT: No. This is a committee amendment, Mr. Ford. This was an amendment that the committee passed upon at its session.

MR. FORD: Mr. Chairman —

CHAIRMAN DeVRIES: The Chair rules the Elliott amendment is in order. Proceed, Delegate Elliott.

MR. A. G. ELLIOTT: I wanted to suggest that in accordance with our procedure yesterday, that on this last paragraph we separate the last sentence from the balance of the paragraph because there are 2 different thoughts here that need some discussion.

CHAIRMAN DeVRIES: Delegate Elliott requests that the question be divided, and we shall consider, without objection, everything but the last sentence in paragraph 2 of subsection b. Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I yield to Mr. McCauley.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate McCauley.

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

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

MR. MADAR: On the amendment that Mr. Elliott speaks of and claims as a committee amendment — I happen to be on the local government committee, and until yesterday I knew nothing of this amendment, and if this is a committee amendment, surely the committee would know something about it. I haven't missed a meeting.

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

MR. FARNSWORTH: Mr. Chairman, members of the committee, I was at the local government committee meeting. I will vouch for the fact that the committee passed on this particular amendment. What Mr. Elliott says about it is absolutely the truth.

CHAIRMAN DeVRIES: The gentleman from Wyandotte, Delegate McCauley.

MR. McCAULEY: Mr. Chairman and members of the committee, as I understand it now, we are concerning ourselves with the second paragraph of this proposal. We are not talking on the last sentence that has been amended.

CHAIRMAN DeVRIES: That is correct.

MR. McCAULEY: First of all, I would like to point out to the committee that this recommendation is concerned with the inadvertent taking over of a field of regulation by action of the state legislature through the imposition by state law

of regulations without a saving clause permitting concurrent local regulations; thus opening the door to judicial interpretation of such action as preempting the field to the state and voiding all local regulations.

There is no quarrel with the position that there may be areas of regulation in which uniformity is so necessary that the state should regulate exclusively. The intent of our recommendation is that if it desired on the part of the state legislature to so regulate exclusively, that they specifically so provide in the statute establishing such regulation.

It is a well accepted principle of municipal law that statutes and ordinances are to be reconciled where possible and effect given to both, but that where the legislative intent is to occupy the whole legislative field, if it is apparent from the statute, any ordinance with provisions to the contrary of those prescribed by the statute is invalid.

At the present time in Michigan we have a number of examples of statutes which have been interpreted by the courts as preempting a field and thus invalidating all or part of local regulations in the same field. Following are some examples. This particular example involves a motorboat regulation case in which the court, in considering the ordinance for the city of Howell regulating the use of motorboats on Thompson lake, while taking judicial notice of the fact that motorboats propelled by motors in excess of 5 horsepower will create noises likely to disturb the peace and quiet of those dwelling nearby, felt that however desirable it may be to preserve the peace of residents adjacent to Thompson lake, the city of Howell may not prohibit that which is permitted by state statute.

All we are attempting to do by this section is to ask the legislature, when they are passing a law of statewide concern and they want to preempt this field, that they so state in the statute and not leave it up to court interpretation.

CHAIRMAN DeVRIES: The question before the committee is the second paragraph, lines 3 to 11, Committee Proposal 83. The Chair recognizes the gentleman from Detroit, Delegate Nord.

MR. NORD: May I address, through the Chair, a question to Mr. McCauley?

CHAIRMAN DeVRIES: If the gentleman cares to answer.

MR. NORD: Mr. Chairman, Mr. McCauley, the language that you have before us raises this question in my mind: I suppose that I am correct, am I not, in assuming that when you speak about the fact that the legislature must state their wishes to preempt the field, that you are talking about cases where otherwise there would be concurrent power between the legislature and the local government? For example, you don't mean to imply that if the legislature passes a divorce law, or some such thing as that, it is necessary to state whether they do or don't wish to preempt the field, am I correct?

MR. McCAULEY: You are right, Dr. Nord. We are talking about only municipal concerned property and government, that is all; affecting municipal government directly.

MR. NORD: I would simply like to suggest that when this gets to style and drafting there is some language there that is a little bit broader perhaps than intended, and perhaps it could be cleared up.

MR. McCAULEY: We certainly would have no objection to that.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Lansing, Delegate Erickson.

MR. ERICKSON: I would like to address a question to Mr. McCauley.

CHAIRMAN DeVRIES: If the gentleman cares to answer.

MR. ERICKSON: Public act 219 of 1949 gave the state health department the authority to—a municipality can only use people to operate their filtration plants and water purification systems who are registered by the state health department. Would this vitiate that statute?

MR. McCAULEY: I didn't hear all of the question, Mr. Erickson. I am sorry.

MR. ERICKSON: Well, public act 219 of 1949 gave the state health department the authority to issue certificates,

and that only people who have certificates can operate filtration plants and water purification. Would that take that right away?

MR. McCAULEY: Not in this particular section. There might be some question on that on the amendment that will be before the committee in the next discussion. But this particular section does not in any way do away with the rights established by that particular statute.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ypsilanti, Delegate Lawrence.

MR. LAWRENCE: Mr. Chairman, I would like to raise a point of inquiry, or of information. You may recall that yesterday I made an inquiry as to the division of the paragraph and was told that it had been divided by separating the rest of the paragraph from the last sentence. Subsequently the first paragraph and the second paragraph were divided. Based on that, and on the fact that we weren't going through to the last sentence of the second paragraph, I then filed a proposed amendment to the second paragraph only. That proposed amendment was that after the word "concern" on line 7 the remainder of that sentence be deleted, and that the last sentence of the paragraph be deleted.

Now we have changed the rules, apparently, again and we are taking the last paragraph in the 2 divisions, and I would like to know where that leaves me with my amendment. If this new last sentence, we will say, is put in, then, provided it is understood that the amendment would apply to the new sentence, I can see no difficulty. But if it doesn't, then by changing this situation we have vitiated what I have done. Is that not correct?

CHAIRMAN DeVRIES: In that we have divided the paragraph, Delegate Lawrence, we probably would have to divide your amendment. The decision of the committee yesterday was to vote separately on both paragraphs, but this morning the chairman of the committee requested that we divide the question in lines 1 through 11 and then lines 12 through 14.

If you can submit 2 amendments, we can consider them that way, or we will have to divide the question on your amendment.

MR. LAWRENCE: Well, I am perfectly willing to do anything to get this along and to see that it is properly done. I would like a suggestion from the secretary or the Chair as to the best way of doing it.

CHAIRMAN DeVRIES: Can you divide your amendment?

MR. LAWRENCE: Under the rules and regulations can I do it on one or should I have two separate?

CHAIRMAN DeVRIES: We can divide it on the rostrum, Mr. Lawrence.

The Chair recognizes the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: I was going to suggest to Mr. Lawrence that I believe his amendment could be easily divided by just separately considering that part of your amendment that proposes to drop the last sentence. Because, as I see it, Mr. Lawrence, what you want to do is strike all the language after the word "concerns"—

MR. LAWRENCE: No. You have the wrong "concern".

CHAIRMAN DeVRIES: Delegate Lawrence, the secretary will read your amendment.

SECRETARY CHASE: Mr. Lawrence offers the following amendment:

1. Amend page 2, line 7, after "concern" by striking out the balance of the sentence and inserting a period. In other words, by striking out "which will preempt the field only when this intention is so stated therein," and leave the first sentence then to read, "Each such city and village is hereby granted full power to pass laws and ordinances relating to its municipal concerns, property, and government, but the legislature may enact laws of statewide concern."

CHAIRMAN DeVRIES: The question before the committee is the adoption of the first part of the Lawrence amendment to lines 7 and 8 of Committee Proposal 83. The Chair recognizes the gentleman from Garden City, Delegate Brown.

MR. T. S. BROWN: I have some questions for Delegate McCauley through the Chair.

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

MR. T. S. BROWN: Mr. Chairman, Delegate McCauley, I am a little concerned here in the new language on our white sheet with the substitute terminology in the last portion of the paragraph, in that you say the "cities and villages shall have exclusive jurisdiction," and so forth, "except for general laws applicable to all persons or all public employees alike." This last phrase "all public employees alike," is what I am concerned about; perhaps needlessly.

MR. McCAULEY: Mr. Chairman, Mr. Brown, we are not on that.

MR. T. S. BROWN: That is separate?

MR. McCAULEY: This is separate from what we are talking about now. This will be taken up after dinner.

CHAIRMAN DeVRIES: The question before the committee is the proposed Lawrence amendment to lines 1 through 11 of the second paragraph of the proposal.

MR. T. S. BROWN: Then I will withhold my questions until that time.

CHAIRMAN DeVRIES: Delegate Brown yields. The Chair recognizes Delegate Lawrence.

MR. LAWRENCE: The purpose of deleting the words of that sentence after "concern" on line 7 would be to retain the present and past constructions that have been placed on the right of the legislature since the home rule provision was put in the constitution. In other words, it leaves to the legislature its time honored right and duty to pass laws either of a mandatory character or of a permissive character. That is, that such a law can or will apply to a municipality if adopted by the municipality, and would give the legislature the same right as it has had in the past. It is not intended to dilute the right of a municipality to pass proper ordinances and laws governing that municipality under the constitution and the statutes, but it does give the legislature the same control and guidance that it has had in the past.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Wyandotte, Delegate McCauley.

MR. McCAULEY: Mr. Chairman, members of the committee, I respectfully oppose the amendment. I think that experience has shown in the past that we are leaving a lot of the statutes up to judicial interpretation. They cannot read the minds of the legislators, nor can they read the minds of the city councils. The purpose of this language, as recommended by the municipal league, is to make it definitely clear that when the state is going to preempt a certain field they state so in their bill.

CHAIRMAN DeVRIES: The question before the committee is the Lawrence amendment, second paragraph, Committee Proposal 83. The secretary will read the amendment.

SECRETARY CHASE: Mr. Lawrence's amendment is:

[The amendment was again read by the secretary. For text, see above, page 1030.]

CHAIRMAN DeVRIES: The question before the committee is the Lawrence amendment. All those in favor of the amendment will say aye. Opposed, no.

The amendment is not adopted. Are there any further amendments to the second paragraph of Committee Proposal 83, lines 3 to 11?

SECRETARY CHASE: None on file, Mr. Chairman.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, this language in these lines 3 to 11 is a very radical departure from what we have had before, as I see it, in this state, and I am quite concerned about it. I don't know just exactly what to do about it except perhaps when I have an opportunity, I will vote against it.

I am disturbed about it for this reason. We are going to vest a lot of inherent power in the cities and the villages, and instead of looking to the state law to find out what their powers are, hereafter we will have to look to state law to find out what they cannot do.

I know that somebody made reference to what they thought was an inconsistency on my part, because when I speak about the powers of the legislature and so on, I have been arguing, I think, quite strongly that it is the purpose of the state constitution with respect to the state government to say what it shall not do. Certainly it is not the—at least as I have always been told—it is not the proper relationship of local government to state government to assume that local government has a lot of inherent power. It is the state that has the inherent power and not the local government. The local governments are merely creatures of the state. They exist by reason of the fact that the state creates them. Their power should be limited by the state. Their power should be controlled by the state, and the experience of mankind indicates that the way to control something is to control it by grant; to spell out what a creature can do.

When you turn those tables around, as is here being done, you turn these tables around, and you place the state government in the position of having to outguess and anticipate what a municipality might be wanting to do, and thereby you have to write some prohibitions into the statutes.

I think it is very poor public policy. This point I made yesterday afternoon when for a time I thought we had gotten into this language then. I think we are making a grave mistake in turning these tables around. I don't know how broad this language is that says that the legislature has to declare a preemption.

As Mr. Nord brought out by way of illustration, suppose the legislature wanted to pass a divorce law, would the legislature have to declare preemption, and the committee says no, it isn't intended to go that far.

Maybe to get into an area of closer proximity to municipal concerns, suppose the legislature passed a criminal statute. Now, then, is that criminal statute going to be law within that city in the absence of a city ordinance on the matter unless the legislature says this law will positively control throughout the state of Michigan? It is to be presumed that every legislative law will be effective throughout the state of Michigan.

I just don't know where in the world we are going to end up if we introduce the philosophy which these lines in this section introduce into our laws. We are going to completely, absolutely and completely, change the character of our government. Instead of positively acting for the purpose of the whole state, the legislature is going to be having to constantly assert that each and every one of its acts is intended to apply in the municipalities as well as outside of them. I don't think I am wrong in this interpretation. I can't believe that the courts would interpret this language any other way than I am interpreting it.

Not only that, but as to whether a power is a—this power to pass laws and ordinances—and that is another thing that is distressing to me. I always felt that municipalities could pass ordinances and so forth, but to say to pass laws in a constitution would suggest they could pass the statutory law. It is ordinance law we are talking about.

But there is another problem. Suppose that a thing may or may not be within this great inherent grant of power; whether a particular ordinance of a city would fall within this great inherent grant of power would always be a judicial question, and you will have to keep hammering it out in the courts all the time. It is much better policy to have the legislature by law vest in these municipalities these powers than to turn around and put the state in the position of having to prohibit rather than to grant.

I wanted to make this statement because I am opposed to this in principle.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Lansing, Delegate Wanger.

MR. WANGER: Mr. Chairman, I share Mr. Hutchinson's concern over this primarily because of the great breadth of the language which is given inherently to each of these cities and villages in our state. It says "pass laws and ordinances relating to its municipal concerns, property, and government." As nearly as I can tell, the word "concerns"

relates to anything that the legislative body of the city or the municipality wants to be concerned about. If this is the case and if this was interpreted in that way, you have a situation that you can analogize to a ball park where you have got hundreds of cities and villages all up at bat at once, and the legislature is the sole outfielder trying to catch all the flies, and trying to put a label called preempting the field on practically an innumerable number of specific statutes.

I share the concern of Mr. Hutchinson that this, in the long run, instead of helping the cities and the villages may very well tend to create such a lack of uniformity that the cities and the villages will find it to be to their distinct disadvantage.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Mr. Chairman and members of the committee, I am afraid we are going to get too far afield here. I think I know what bothers Senator Hutchinson, but I think that he is a little too worried.

Now, if you look at the language which Mr. Wanger was just talking about, and criticizing the phrase "laws and ordinances relating to its municipal concerns," you will see that this is the identical language that was in the 1908 constitution. If you will look up about 5 lines above where the language is bracketed and was stricken out in the first part of section b, you will see that what we took out was exactly what in the second paragraph we put back.

We had to do this because we had revised the subject matter a little bit. You will notice that in 1908 the constitution read just as it reads now in the language which you are criticizing "and, through its regularly constituted authority, to pass all laws and ordinances," the words "laws and ordinances" were used relating to its municipal concerns. The only thing which was added here was the 2 words after "concerns," "property" and "government." I don't think that amounts to very much, but the reason that they were inserted, I believe, was because city government now has a lot more real estate than it used to have, and the word "government" means that—well, I don't know, really, why it was put in. But to this extent you see, both Mr. Hutchinson and Mr. Wanger, we aren't doing anything more than was done before.

Let me go on. I don't think it is correct, and we don't understand home rule government for a city, if we say that the city can do nothing unless it is given by the legislature. The idea of home rule was to give, on local affairs, some autonomy to the city to function, and the first case that came before the Supreme Court of Michigan came about 1909. It was called *Gallup v. Saginaw*. The supreme court in that case said this about this new system of home rule:

The new system is one of a general grant of rights and powers subject only to enumerated restrictions instead of the old method of only granting enumerated rights and powers definitely specified.

Now, let me give you an example. There is a bill in the legislature now applying to townships, I believe, that says townships shall have the right to regulate diseased female box elder trees. Now, if you apply this to city home rule, are you saying that city home rule today means that a city government cannot regulate diseased male box elder trees, and the city has to go back and have the legislature pass a new law? Obviously not. This is what home rule is intended to do. Therefore, the criticism which the 2 of you are making here, I believe, goes too far. What you would do in your criticism is turn the clock back to where there is no home rule.

Now, let me make a constructive suggestion here. When these things get into style and drafting, as distinguished from ours—sometimes in the press of things they come out just a little bit different than maybe they should. Maybe there are improvements, and we shouldn't tamper with it. But I think we could clear up Senator Hutchinson's worries and everything else this way.

You will notice that in the 1908 constitution it said "and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns," and that is the same as we have here, except we added the words "government and property," and then the old language had a comma, "subject to the constitution and general laws of this state." Now I think, Mr. Hutchinson, that if we added those words "subject to the constitution and general laws of this state," we would come out just the same as we do in the 1908 constitution, and I feel that might take care of your problem. Then the court could construe the whole thing just as it always has, and the only change would then be about this preemption matter, which I think is a separate matter, and we thought it through. In other words, I am trying to think of something that would eliminate your concern without, at the same time, going too far back and, in effect, doing away with the home rule concept.

CHAIRMAN DeVRIES: Would the gentleman from Kalamazoo yield to the vice president?

MR. HUTCHINSON: Mr. Chairman, I would say that I would accept the amendment, and then we will debate about the preemption matter afterwards. I am willing to take this thing a step at a time, and I think the amendment that you offer, to reinsert that phrase, "subject to", would be a great improvement, and I would endorse the amendment as far as it goes.

CHAIRMAN DeVRIES: Delegate Lawrence.

MR. LAWRENCE: Mr. Chairman, didn't we reinstate that language yesterday by vote on the Sharpe amendment? Wasn't the Sharpe amendment that, and didn't we pass it?

CHAIRMAN DeVRIES: That was the first paragraph of section b, Delegate Lawrence, not the second.

MR. LAWRENCE: What are we talking about?

CHAIRMAN DeVRIES: We are talking about the second paragraph, Delegate Lawrence. Are you offering the amendment, Delegate Allen?

MR. ALLEN: I don't have it written out, but if it is permissible, I will offer it.

CHAIRMAN DeVRIES: Could you step to the rostrum and have the secretary fill it out for you?

The Chair recognizes the gentleman from Ann Arbor, Delegate Bonisteel.

MR. BONISTEEL: Mr. Chairman and fellow delegates, I have been reluctant to take up too much time of this convention, but I shall be very brief here. I wish to say I support the sentiments of Vice President Hutchinson in relation to the matters which he has discussed, I believe, very ably. I have a great deal of respect for the delegate from Kalamazoo and his knowledge of municipal affairs, but I believe that to adopt the suggested proposal here that we have before us would be to bring chaos into municipal government in this state.

I don't speak just as a chap who has never had any experience in municipal affairs. I have had, and I believe that no one can interpret this language intelligently without getting away from complete uniformity in the operation of the municipal governments of this state, because as I interpret this, if there can be an interpretation made, it would merely mean that each municipality would be on its own, and there would be a vying here and there for this or that proposal or proposition until the courts of the state would be filled with litigation relating to the powers of these municipalities to carry on and do the things that they are proposing to do either under ordinances or under so called laws.

I wish to register a complete protest. As a matter of fact, before Delegate Allen made the suggestion I had marked here in the constitution the very thing that he has suggested, namely, "and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and the general laws of this state."

Now, any one of the lawyers present here in this convention must know that there was some source of satisfaction to go back to the charter of the statutory provision relating to these municipalities in the home rule act to find out what the powers were that were mandatory, what the powers were that

were permissive, and in all the experiences I have had I have never yet found a legislature which wasn't willing, when a proposition was placed before it for an amendment to the home rule, that the amendment wasn't adopted by the legislature in the interest of municipal government.

I think unless this matter is clarified here we are going to be in trouble, and I wish to support the suggestion made both by Delegate Hutchinson and Delegate Lawrence, and I hope that this committee will not just accept this because it happens to be submitted as a committee report. I have not made myself heard very much in this convention, but I am really concerned about this one because I can see the danger lights ahead and plenty of them.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Kalamazoo for the purpose of making a preferential motion. The secretary will read.

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend page 2, line 6, after "ment," by inserting "subject to the constitution and general laws of this state,"; so that the language will read:

Each such city and village is hereby granted full power to pass laws and ordinances relating to its municipal concerns, property, and government, subject to the constitution and general laws of this state, but the legislature may enact laws of statewide concern which will preempt the field only when this intention is so stated therein.

CHAIRMAN DeVRIES: The question before the committee is the adoption of the Allen amendment. Delegate Allen.

MR. ALLEN: I might say, Mr. Bonisteel, that I think that this will then come out, with the exception of this preemption which I think we will want to take up again after this, almost exactly the same as in 1908. In fact, it will be exactly the same except for the words "property and government." It is the same.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Grosse Pointe Shores, Delegate Cudlip.

MR. CUDLIP: Mr. Chairman and members, I understand the effect of this amendment, but it seems to me that this is patch work, and we should go back and include the language which, as I understand it, is eliminated in the first paragraph.

I subscribe wholly to the expressions of Delegates Wanger, Hutchinson and Bonisteel. What we have got before us is whether the home rule city is going to be one of complete power of government subject only to the veto of the legislature, or whether we are going to continue as a matter of grant as in the past.

The committee report, page 439, says that what they want to do — and this is a philosophy — I just want to make it clear that I understand what they are trying to do. They say that they want to have these home rule cities and villages guaranteed full power over their own property and government. Government means everything, and as Delegate Hutchinson says, that would be a complete reversal, and as Delegate Bonisteel said, and Delegate Wanger, we won't have uniformity.

I think we had better leave it as it is. Otherwise we are going to reverse the whole philosophy of home rule cities, and I don't know where that county pattern will lead us.

CHAIRMAN DeVRIES: The question before the committee is the Allen amendment, paragraph 2, section b. The secretary will read the language.

SECRETARY CHASE: Page 2, line 6:

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

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

MR. BONISTEEL: Mr. Chairman, fellow members, I wonder if we will have sufficient opportunity to analyze this after we make this amendment. I agree with what has just been said. I think that we ought to have in some way an opportunity to put it together and see exactly how it is going to come out. What has been suggested is certainly an excellent sug-

gestion, but whether it fits into the language we already have I am not prepared to say.

I would like to feel that we had some freedom. After this is put together and we read it completely, and have had a chance to look at it, I would like to at least have an opportunity to present another point of view, if it becomes necessary. That is all I have to say.

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

MR. MARTIN: Just this, Mr. Chairman, I think Mr. Cudlip may have gotten us confused here, but I think that the sole purpose of this amendment is to make the second paragraph subject to exactly the same provisions with respect to general laws in the constitution as the first paragraph which we doctored up yesterday, and it does the job, and I think it ought to be passed.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Menominee, Delegate Lundgren.

MR. LUNDGREN: Mr. Chairman, I believe we are now involved in something here that is confusing to some of us, but also very illustrative of the fact that we have now something before us that needs more attention. I feel that we can't fairly pass on this at the moment until we can get together on the proper wordage. I would make that motion.

CHAIRMAN DeVRIES: What is your motion, Delegate Lundgren?

MR. LUNDGREN: I move that we pass this section temporarily.

CHAIRMAN DeVRIES: Delegate Lundgren moves that we pass paragraph 2 of section b of Committee Proposal 83 temporarily.

MR. LUNDGREN: Until we can get the proper language together on this. I feel that both groups seem to want to get together, and I feel that we can get together and pass the proper section.

CHAIRMAN DeVRIES: Does the delegate from Highland Park wish to speak on the motion?

MISS DONNELLY: No. I just want a point of information; that we are going on to the preempt field next.

CHAIRMAN DeVRIES: The question before the committee is whether we shall pass this section temporarily.

MISS DONNELLY: I think that is a fine idea. You mean pass over it, when you say that?

CHAIRMAN DeVRIES: I beg your pardon.

MISS DONNELLY: Point of inquiry. When you say pass, you mean pass over it?

CHAIRMAN DeVRIES: I said pass temporarily. The Chair recognizes the gentleman from Detroit, Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman and members of the committee, I would just like to call your attention to the fact of the problem that is confronting us now, and I wondered if we had enacted the rules committee's suggestion with respect to casual amendments, whether we would be prohibited from doing this sort of thing now. I have no objection to the Lundgren motion, but I just want to bring this point to the attention of the entire committee.

CHAIRMAN DeVRIES: The question before the committee is the motion made by Delegate Lundgren that paragraph 2, section b, be passed temporarily. All those in favor of this will say aye. Opposed, no. The Chair is in doubt. All those in favor of Mr. Lundgren's motion to pass temporarily this section, please rise.

SECRETARY CHASE: More than 80, Mr. Chairman.

CHAIRMAN DeVRIES: The Chair is no longer in doubt. It is temporarily passed.

We will proceed to section c of Committee Proposal 83.

SECRETARY CHASE: Section c.

[Sec. c was read by the secretary. For text, see above, page 1005.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Wyandotte, Mr. McCauley, speaking on behalf of the committee.

CHAIRMAN DeVRIES: The question is the Marshall amendment, as revised. As many as are in favor of the Marshall amendment will say aye. Excuse me. The delegate from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Marshall raises a point which we ought to think about in connection with transportation lines. Personally, I would oppose passage of this particular amendment because I think what we combine here are 2 things, the problem of bus lines and transportation and the old problem we have had about electric utilities, and I think that problem has run deep enough and gone along far enough that we cannot very well change the provisions which we have already adopted.

Now, Mr. Marshall, I wondered if we would be able to help you out on the metropolitan government section. We can in part, but we can't help you out as far as this 3/5 vote. Just as Mr. Sleder says, the 3/5 vote would be required by every unit if it is a city that would participate. It wouldn't require a 3/5 vote if it were by a township unit participating.

It seems to me that what we have got to do here in order to not get the 2 mixed up is to go ahead and pass the committee proposal, turn down this amendment, and give some thought later on to this particular problem which you raise about bus lines. It is too difficult a problem to work out immediately on the floor, but I can see if a group of cities wanted to go into the bus business and combine, the 3/5 vote would be a hindrance. I don't think this is the way to cure that problem. I think we can take it later.

CHAIRMAN DeVRIES: Mr. Marshall.

MR. MARSHALL: Delegate Allen, may I inquire: first of all, I didn't mention anything—I made no mention whatsoever of bus lines. I was more concerned—well, in the overall, but in my statement I didn't mention bus lines as such. I would not have offered this amendment had my original amendment carried. First of all, you would not be helping me. You said help me out. I think you would be helping the people.

I feel that if a power company can go into a community and purchase a power plant by a majority vote, the people likewise should be able to acquire one by a majority vote. I cannot see the double standard and had the amendment passed where you would have had a majority vote in both cases, I would not have offered this amendment. I still think this amendment is sound.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ludington, Delegate Plank.

MR. PLANK: I would like to speak in favor of the committee proposal and against the amendment by Mr. Marshall. I would like to point out to you that giving a city or a village the power to allow or not allow a utility to operate in their area might be all right, and might be real good home rule, but it is not very practical.

One of the real reasons the utility can operate with the economy that they do operate with in our country is the fact that they not only have the opportunity to operate in the city but in a large area, and if you fix it so that they have to be on their guard at all times as to whether or not they will be able to operate in a given section, you will certainly do away with their economy and make it pretty difficult for all of us to exist. This is one of the reasons why we have utilities, and I would just point out to you that the proposal we have in the committee report takes care of this very nicely, and I would urge that you defeat the Marshall amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Birmingham, Delegate Van Dusen.

MR. VANDUSEN: Mr. Chairman, I don't wish to speak on this amendment. I just want to make an announcement which may shorten our proceedings this afternoon. Mr. Rudow has just informed me that the Detroit News and the Detroit Free Press have suspended publication. (laughter)

CHAIRMAN DeVRIES: The delegate's point is well taken. The Chair recognizes the gentleman from Detroit, Vice President Downs.

MR. DOWNS: Could I suggest that additional copies of the Journal be printed and distributed in Detroit? (laughter)

MR. MADAR: Mr. Chairman, I might say that the World has gone into print.

CHAIRMAN DeVRIES: The question now before the committee is the Marshall amendment, as revised, to section f. As many as are in favor of the Marshall amendment will say aye. Opposed, no.

The amendment, as revised, is not adopted. Are there any further amendments to section f?

SECRETARY CHASE: None on the desk, Mr. Chairman.

CHAIRMAN DeVRIES: Without objection, then, the committee will return to section b which was passed temporarily this morning. We were considering the second paragraph, lines 3 through 11 on page 2. We were not considering the last sentence. At that time Delegate Allen had offered an amendment to the paragraph. The secretary will read the amendment.

SECRETARY CHASE: Mr. Allen had offered an amendment to:

1. Amend page 2, line 6, after "ment," at the beginning of the line, by inserting "subject to the constitution and general laws of this state,".

CHAIRMAN DeVRIES: The question is on the Allen amendment. The Chair recognizes the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Later this morning, following the suggestion that came from the floor, Mr. Hutchinson, Mr. Bonisteel and I met. We have talked it over with the committee chairman since then. We have a different amendment that does a little more, which Mr. Hutchinson was to offer. I don't see him here. For the purpose of having it offered I will withdraw my amendment.

CHAIRMAN DeVRIES: Delegate Allen withdraws his amendment.

SECRETARY CHASE: Messrs. Hutchinson, Bonisteel and Allen offer the following amendment:

1. Amend page 2, by striking out lines 3 to 7 and line 8 through "therein," and inserting "Each city and village shall have power to pass laws and ordinances relating to its municipal concerns, property and government subject to the constitution and general laws of this state.".

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Mr. Chairman, what this does is, as you will see, 2 things. It starts the sentence off exactly the way that it is printed and then adds the old qualification from the 1908 constitution which is "subject to the constitution and general laws of this state." It then goes ahead to omit this business about preemption. So the whole matter of preemption goes out.

While we could not talk with each member of the committee, we talked with the chairman, and I sensed from the talks no disagreement on the committee's part on this. I would like to have Mr. Elliott, if he is here, confirm this so that we may know that we have agreement before we go ahead on it.

CHAIRMAN DeVRIES: Delegate Allen yields to Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Allen, delegates, the statement Mr. Allen has made is correct.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, this is the amendment which we worked out after this matter was passed this morning temporarily, and I am very happy with the arrangement and compromise that has been effected. I hope that the committee will support it.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Vice President Downs.

MR. DOWNS: Mr. Chairman, would Delegate Hutchinson yield for a question?

CHAIRMAN DeVRIES: The delegate yields?

MR. HUTCHINSON: I yield.

MR. DOWNS: Would we accomplish the same purpose by keeping lines 14 through "state", that is, 22, as the Sharpe amendment is, and then striking the rest of section b—that is, strike on page 2, lines 1 through 14? I am not in opposition to what you are trying to achieve.

CHAIRMAN DeVRIES: Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, in answer to the question of the gentleman, we would be accomplishing the same purpose by reinserting the old language down through and including line 8. Now, then, what happens beyond line 8 is another question.

MR. DOWNS: Perhaps my question, Mr. Chairman, if I can direct it again: if we took on page 1, section b, lines 14 through the word "state" in line 22?

MR. HUTCHINSON: Mr. Chairman, if I understand the question, it is this. Suppose that we took section b and reinserted the stricken language there, which is found on lines 19 through 22, and then struck out all of the new language, would we be accomplishing the same purpose?

MR. DOWNS: That is correct.

MR. HUTCHINSON: I say to the gentleman that we would be accomplishing the same purpose down to and including line 8, but after line 8 there is some new material which would not be—definitely which would be stricken out if we struck out all the new material, but we introduced some additional issues there which our compromising team was not able to satisfy.

MR. DOWNS: I think, Mr. Chairman, that Mr. Hutchinson's suggestion is inconsistent with lines 11 to 14 on page 2, and it would seem to me a much neater way to handle the whole problem would be to take lines 14 through the word "state" in 22, reinserting the language we did by the Sharpe amendment yesterday, and then strike the rest of section b, so that section b would be essentially as it was in the 1908 constitution with the grammatical corrections in the first few lines.

I am just raising this as a question to see if it would facilitate the proceedings.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegates Hutchinson, Bonisteel and Allen to the second paragraph of section b. The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: As I understand the question, this would include lines 1 through 14 on page 2, and the committee at this time is not prepared to accept the point of view of Mr. Downs, and I would urge that we adopt the amendment as presented now, and then go ahead and complete our debate on the second paragraph.

MR. DOWNS: I will withdraw the question, and if it is pertinent, would like to again raise it after we finish line 14 on page 2.

CHAIRMAN DeVRIES: The question before the committee of the whole is the amendment of Delegates Hutchinson, Bonisteel and Allen to the second paragraph of Committee Proposal 83, section b. The secretary will read the amendment.

SECRETARY CHASE: The amendment is as follows:

[The amendment was again read by the secretary. For text, see above, page 1045.]

CHAIRMAN DeVRIES: The question is on the amendment. Does the gentleman from St. Louis, Delegate Hoxie, seek recognition?

MR. HOXIE: Mr. Chairman, I would like to ask Mr. Hutchinson a question.

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

MR. HOXIE: In reading the stricken material on page 1 of the committee report, "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," that is the language that has been in the constitution for some time. I can't see where, under this proposed amendment, with the exception of the last sentence, but what it accomplishes the same thing as your amendment. Why reword the constitution when the same subject matter is covered?

CHAIRMAN DeVRIES: Delegate Hoxie yields to Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, my answer to that is, that when you start working on amendatory language in a

spirit of seeking to obtain something close to unanimity you usually start with what you've got. Now, what we had is not the old language in the constitution, but the language from lines 3 to 8 on page 2, and I think that you and I will both agree that the language of the proposed amendment that is up here on the wall says the same thing as the stricken language.

CHAIRMAN DeVRIES: Delegate Hoxie.

MR. HOXIE: The only remark I have is I thought it was the intention of this body to try to keep the wording of the document that we submit to the people very brief, and I would like to call your attention to the fact that we have a little less than 3 lines and on the other I don't know how many, but certainly more than that to accomplish the same purpose.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Messrs. Hutchinson, et al. The gentleman from Grosse Pointe Shores, Delegate Cudlip.

MR. CUDLIP: Mr. Chairman, members, I speak in favor of the amendment. I think the answer to Mr. Hoxie—if I can suggest that—the colloquy answer is this: the old language says "municipal concerns". This says "municipal concerns, government and property." The intent of the committee was to broaden this because of some supreme court decisions which stated municipalities were acquiring more property, and one thing or another. There is a change. The language has been relocated. Two words have been added, and this preemptive business, which is so confusing, is eliminated.

I expect to vote in favor of the amendment.

CHAIRMAN DeVRIES: The question is on the amendment. As many as are in favor of the amendment will say aye. Opposed, no.

The amendment is adopted. Are there any further amendments to section b, second paragraph, lines 3 through 11, inclusive?

SECRETARY CHASE: Mr. Arthur Elliott, on behalf of the committee on local government, offers the following amendment:

1. Amend page 2, line 11, after "conferred," by striking out the balance of that section and inserting "Such cities and villages shall have exclusive jurisdiction over wages and hours and administration except for general laws applicable to all persons or all public employees alike."

CHAIRMAN DeVRIES: The question is on the amendment. The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: At about 9:35 this morning I explained this amendment merely as an attempt to clear up the language that we had originally, and it was done in committee with all members but 2 or 3 being present, and with all of them in favor of the amendment except one. I now would like to yield to Mr. Allen to discuss the matter.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Chairman, we have been running so far behind on our time and this—

MR. MAHINSKE: Point of order, Mr. Chairman. Didn't we have a minority report in this area that should be considered in preference to the committee report?

CHAIRMAN DeVRIES: The Chair asked if there were any amendments to lines 3 through 11. The secretary read an amendment to lines 11 through 14. Is there a minority report on it? Did Mr. Elliott offer the amendment on behalf of the committee?

MR. A. G. ELLIOTT: That I did.

CHAIRMAN DeVRIES: We will consider the committee amendment first. Mr. Elliott.

MR. A. G. ELLIOTT: There is a minority report and I believe that we would be in order to take it first. Mr. Ford, I believe if you would let Mr. Allen make his comments, it would satisfy your condition.

CHAIRMAN DeVRIES: The Chair will rule that the committee amendment is in order. The Chair recognizes Delegate Allen.

MR. ALLEN: Speaking on the committee amendment, because we have been running so far behind, and because we know this one sentence is going to start so large a floor fight,

and because the minority has a report which they propose to put in to strike the last sentence, no matter whether it is the way it was originally printed or whether it's in the form of the committee amendment, it is the feeling of the committee that rather than discuss this at length at this time, it would be better to drop the whole subject, let the minority report go through, strike the sentence, and then on second reading, if the committee felt disposed to do so, to bring this up again; but not at this time.

CHAIRMAN DeVRIES: Delegate Allen, the Chair does not understand. You are withdrawing the amendment offered by Delegate Elliott?

MR. ALLEN: I don't care which procedure is followed. He offered the amendment, so I would let him. We could either withdraw it, let the minority report go through, or the minority could vote this one in and then have their report go through.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, parliamentary procedure is a little bit in the gray area as far as I am concerned at this moment. What we are anxious to do is to move along in our article on local government—I must tell Mr. Van Dusen that that number 7 that I put in there when I reported to you was not 7 hours but 7 days—what we would like to do is have the minority report be adopted at this time, reserving the right on second reading as all of us have.

CHAIRMAN DeVRIES: Do you withdraw the amendment?

MR. A. G. ELLIOTT: If that is the proper procedure, I will so do.

CHAIRMAN DeVRIES: Delegate Elliott withdraws the amendment. Are there any further amendments to section b? Delegate Madar.

MR. MADAR: I rise to a point of order. This is not Mr. Elliott's amendment. This is an amendment of the committee, and I don't believe he has the authority of the entire committee to withdraw it.

CHAIRMAN DeVRIES: Delegate Elliott is the sponsor of the amendment, Delegate Madar.

MR. MADAR: He said this morning it was a committee amendment, and you gave him the right to submit his over the minority report, if you will recall.

CHAIRMAN DeVRIES: The amendment is withdrawn.

SECRETARY CHASE: Pursuant to minority report A of Messrs. Ford, Buback, Baginski, Mrs. Hatcher, Messrs. Madar and Suzore,

Mr. Madar offers the following amendment:

1. Amend page 2, line 11, after "conferred.", by striking out the balance of the line and all of lines 12, 13 and 14.

CHAIRMAN DeVRIES: The question is on the amendment. The Chair recognizes the gentleman from Ypsilanti, Delegate Lawrence.

MR. LAWRENCE: Mr. President, in a spirit of complete cooperation I wonder if I can meld or weld or make the second part of my amendment sort of married into the minority report. In other words, as I understand it, they are identical. Is that not correct?

CHAIRMAN DeVRIES: You want to move to amend the amendment?

MR. LAWRENCE: No, no. Oh, no.

SECRETARY CHASE: The second part of the amendment offered by Mr. Lawrence this morning was to strike out this same sentence. In other words, Mr. Lawrence would like to join with the minority as a sponsor of the amendment.

CHAIRMAN DeVRIES: Without objection, it will be so ordered. I hear no objection. The Chair will recognize the gentleman from Grand Rapids, Delegate Martin.

MR. MARTIN: Mr. Chairman, I don't quite understand the procedure here, but I don't want the action of the committee in withdrawing its amendment and accepting the minority amendment to be taken to mean that this committee is endorsing in some way the minority report.

It seems to me that a far better way would be to go ahead and vote on the minority amendment and dispose of it at this time, but I realize the committee wants to economize on time, and so perhaps it is all right, but I think it should be made clear that those of us who are going along with this idea are

not agreeing with this minority proposition to permanently eliminate this provision.

CHAIRMAN DeVRIES: Mr. Martin, the chairman of the committee has stated that amendments can be offered on second and third readings, and that was his intention. Is that correct, Delegate Elliott?

MR. A. G. ELLIOTT: Yes.

CHAIRMAN DeVRIES: The question before the committee is the minority report amendment offered by Messrs. Ford, Buback, Baginski, et al to section b. Delegate Ford.

MR. FORD: Mr. Chairman, I am very happy to see what at the first blush looked like agreement here, but I am not so sure that it is. I heard a little birdie whispering during the lunch hour there was a new rule under consideration with respect to the manner in which we would handle these things on the floor, and the method of debate available when we get to the second reading. If this is an oversuspicious fear on my part, I hope somebody will straighten me out, but it appears to me that we might be passing this thing over without benefit of debate, and then if such a rule is adopted, and there is either limited debate, or the previous question is permitted to be moved on second reading on the theory that all the debate that was necessary was had on first reading, we will not have any debate on this section. And for that reason I would resist at this time passing our amendment without the debate and passing it with any reservation—(laughter) This engenders some humor, but I think you will see that we are coming to the crossroads of a very important sort of parliamentary procedure here that could conceivably—I am sure by accident and not by design—place the minority in a very indelicate position, to say the very least.

When I see prominent members of the majority, whom I know disagree with the minority position, say we are going to accept it, but we are going to get you the next time around, I think you can understand that I get a little quivery.

CHAIRMAN DeVRIES: Mr. Ford, the question is on your amendment.

MR. FORD: Well, as a point of personal privilege, I want to make it clear to the committee that I will consider any attempt to eliminate debate, if an amendment is made to put the committee language back in on second reading, under any circumstances where full and complete debate in the same manner as is now available here, in the committee of the whole, is not afforded, as a deliberate attempt to prevent us from debating on this particular question. I hesitate to use language of this kind, but I want to be absolutely sure that nobody accuses us of crying after the milk has been split.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ypsilanti, Delegate Lawrence.

MR. LAWRENCE: I merely would like to say to Delegate Ford, through the Chair, that if there is any such sort of subversive plot in the making I would like to disagree with him so we will have some grounds for debate, because I am not any part to that.

CHAIRMAN DeVRIES: The Chair might suggest we are engaging in argumentum heterendum and so we should confine our remarks to the amendment offered by Messrs. Ford and others. The Chair recognizes Mrs. Butler.

MRS. BUTLER: I would like to know in one syllable words what we mean.

CHAIRMAN DeVRIES: The point is well taken, but that might be quite difficult. The Chair recognizes the gentleman from Detroit, Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, members of the committee, I share Mr. Ford's fears here, and I hope that we will not be engaging in some sort of a gimmick to limit debate. The only thing at this point I would like to remind the delegates is that you did receive a very comprehensive memorandum from the Michigan state fire fighters association. Their representative was out there yesterday and he's out there today, and they are very concerned about this language in the constitution because it would affect their rights. I would just like to remind the delegates that while the Detroit newspapers may not be publishing today, I don't think this will stop the fire fighters from being alert.

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

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Binkowski, it seems to me there was once a president who said "You have nothing to fear but fear itself," and I urge the adoption now of the minority report amendment under the reasons that we have stated.

CHAIRMAN DeVRIES: The question now is on the adoption of the amendment offered by Messrs. Ford, Buback, Baginski, Mrs. Hatcher, Messrs. Madar, Suzore and Lawrence to section b. As many as are in favor will say aye. Opposed, no.

The Chair is in doubt. All those in favor will rise.

A DELEGATE: Division.

CHAIRMAN DeVRIES: You request a division on this? A division has been requested. Is there support? There is adequate support for a division. All those in favor will vote aye. All those opposed, no. The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by the minority, the yeas are 89 and the nays are 21.

CHAIRMAN DeVRIES: The amendment is adopted. Are there any further amendments to section b of Committee Proposal 83? If not, it will pass.

Section b, as amended, is passed. Are there any further amendments to the body of Committee Proposal 83? If not, it will pass.

Committee Proposal 83, as amended, is passed and the secretary will read.

You have a question? The gentleman from Flint, Judge Gadola.

MR. GADOLA: I have a question, yes. In the amendment that was offered, it says "subject to this constitution and the general laws of the state." Are we to assume that there is any governmental function that is not subject to this constitution by putting such words in? I just pass that on as a question. Is it necessary to put it in, "subject to this constitution?"

CHAIRMAN DeVRIES: Do you direct the question to anybody in particular?

MR. GADOLA: No, just something to think over.

SECRETARY CHASE: Item 2 on the calendar, from the committee on local government, by Mr. Elliott, chairman, **Committee Proposal 84**, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.

Following is Committee Proposal 84 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 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.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 84:

Sec. a. Much testimony before the committee on local government, together with the experience reported by many of the committee members, has indicated that a major problem in Michigan local government today relates to narrow court construction or interpretation of the statutory powers of counties and townships. This practice, which is traditional with the courts, results in great problems in the drafting of legislation and increases the length of statutes since even minor omissions from

them may result in a lack of power wanted or needed by a county or township.

The intent of this section is to mandate the courts to give a liberal or broad construction to statutes and constitutional provisions concerning all local governments. It is the understanding of the committee that home rule cities and villages already enjoy a broad construction of their powers and it is not the intention of the committee to make this construction any less broad. The principal problem seems to rest with the powers of counties and townships, so the second sentence of this section proposes specifically to broaden their powers and seeks to give the courts some guidance as to the criteria to be used in interpreting the constitution and statutes relative to counties and townships.

The Alaska and New Jersey constitutions contain language designed to accomplish the purpose the committee here recommends.

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

MR. A. G. ELLIOTT: Mr. Chairman, it is with pleasure that I yield to Mr. Ford to discuss this section with you.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Ford for the committee explanation.

MR. FORD: Mr. Chairman, I am having difficulty finding the majority report. I am inundated with minority reports here.

CHAIRMAN DeVRIES: The committee will stand at ease while Delegate Ford gets organized.

MR. FORD: Thanks to an assist from several fellow delegates, I have now found it. It is in the journal on page 440.

[The supporting reasons were read by Mr. Ford. For text, see above.]

I would like to say at the outset that perhaps our committee explanation is just a little bit misleading, in that the language that the committee intends to broaden the powers is used, because there is nothing in this section which, in and of itself, either creates any power or broadens any existing power. It is merely a constitutional rule for statutory and constitutional construction with respect to a particular type of law enactment.

This was taken from the New Jersey constitution which was adopted in 1947, and has been modified as slightly as we could to make it consistent with Michigan requirements, since our township and county situation in Michigan is comparable to the city and township situation in New Jersey, where home rule as we know it does not exist. This was put into the constitution in New Jersey in 1947, and has been used very extensively in the state since that time.

For the municipal attorneys here, they will agree with me, I am sure, that New Jersey has a reputation in the United States for being one of the front runners in modern zoning and planning decisions out of their courts, and in researching this I discovered a whole series of zoning cases coming out of New Jersey that are looked upon as landmark zoning cases throughout the rest of the country that have been tried since 1950—most of them tried in the early '50s—where, as a matter of fact, the court relied upon substantially the same language as we are proposing here in sustaining the township and city zoning ordinances or village zoning ordinances.

I would like to yield for questions at this point without laboring it further. I would be very happy to give the citations to the lawyers if they want them or the cases.

CHAIRMAN DeVRIES: Delegate Ford yields to the delegate from Bay City, Delegate Higgs.

MR. HIGGS: Mr. Chairman, Delegate Ford, in reading this last sentence, the words "nor prohibited by," give me some difficulty. I would like to know if you agree with this construction: "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." Would

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 84**, A proposal to provide for liberal construction of provisions concerning municipal corporations; **Committee Proposal 86**, A proposal pertaining to highways and their maintenance; **Committee Proposal 87**, A proposal relating to ports and port districts; reports these 3 committee proposals back to the convention without amendment, and with the recommendation that they do pass.

VICE PRESIDENT DOWNS: **Committee Proposals 84, 86 and 87** are referred to the committee on style and drafting.

For Committee Proposal 84 as referred to the committee on style and drafting, see above, page 1048.

For Committee Proposal 86 as referred to the committee on style and drafting, see above, page 1057.

For Committee Proposal 87 as referred to the committee on style and drafting, see above, page 1059.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 83**, A proposal pertaining to cities and villages; reports this back to the convention with several amendments agreed to by the committee of the whole, and recommends that the amendments be agreed to and that the committee proposal as thus amended do pass.

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

1. Amend page 1, line 11, after "levy" by inserting "other".
2. 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.
3. Amend page 2, by striking out lines 3 to 7 and line 8 through the word "therein.", and inserting
"Each city and village shall have power to pass laws and ordinances relating to its municipal concerns, property and government subject to the constitution and general laws of this state."
4. Amend page 2, line 11, after "conferred.", by striking out the balance of the line and all of lines 12, 13 and 14.
5. Amend page 2, line 23, after "purpose or" by inserting a comma and "except as authorized by law"; and in line 24, after "purpose" by striking out "except as authorized by law".
6. Amend page 3, line 22, after "majority" by inserting a comma and "or of a greater number if the charter shall so provide,"]

VICE PRESIDENT DOWNS: The question is on agreeing to the amendments recommended by the committee of the whole.

MR. MADAR: Mr. President, I believe that there is an amendment to 83.

VICE PRESIDENT DOWNS: We will take the amendments that were recommended by the committee of the whole first. Then we will act upon the amendments that have been filed with the secretary and are on the secretary's desk. The question is on agreeing to the amendments recommended by the committee of the whole. All those in favor —

Mr. Ford.

MR. FORD: I would like to request a record roll call vote on this.

VICE PRESIDENT DOWNS: You want a record roll call vote on the amendments that were agreed to by the committee of the whole?

MR. FORD: That is correct.

VICE PRESIDENT DOWNS: There has been a request for a record roll call vote. Let's see if there is sufficient number to request it. There is a sufficient number to request a record roll call vote. The question is now on agreeing to the

amendments recommended by the committee of the whole. All those — Mr. Suzore.

MR. SUZORE: I would like to know what we are voting on specifically. I would like to have the amendments read.

VICE PRESIDENT DOWNS: We will ask the secretary to read the amendments recommended by the committee of the whole, on which there has been requested a record roll call vote.

SECRETARY CHASE: The amendments recommended by the committee of the whole to **Committee Proposal 83** are as follows:

[The amendments were read by the secretary. For text, see above.]

Those are the amendments that have been recommended and agreed to by the committee of the whole.

VICE PRESIDENT DOWNS: The question is on the amendments recommended and agreed to by the committee of the whole. Those who are in favor will indicate by voting yea. Those who are opposed will indicate by voting nay.

MR. MADAR: Mr. President, are we voting on each one of them?

VICE PRESIDENT DOWNS: No, we are voting on them collectively.

MR. MADAR: Some of these amendments we are for and some we are against. I think we ought to separate them.

SECRETARY CHASE: May the secretary point out, Mr. Madar, that every one of these amendments has been adopted by the committee of the whole, the amendments which we have read.

MR. MADAR: Some of them we voted for in the committee of the whole, and some we didn't vote for. If we vote now one way it puts us on the spot so we are voting for something we didn't vote for before.

VICE PRESIDENT DOWNS: The vote has been called for. Those who are in favor will signify by voting aye, and those who are opposed by voting no. This is a recorded roll call vote. Delegate Walker.

MR. WALKER: I have been standing since before you ordered the vote the last time, and therefore would like to abstain from voting and to explain my reason for abstention. I do not feel I can honestly and in fairness to myself or my constituents vote either aye or nay on a question with this broad concept.

SECRETARY CHASE: Has everyone voted?

MR. MADAR: Mr. President, I am giving the same explanation for abstaining.

MR. MAHINSKE: Mr. President, I would also abstain from voting on a package like this.

MR. SNYDER: I have the same reason for abstaining.

VICE PRESIDENT DOWNS: Delegate Wanger.

MR. WANGER: Is there any parliamentary way, Mr. President, that we can divide the question, since so many people object to this? I am in favor of all of them, and I think the majority of the rest are too, but —

VICE PRESIDENT DOWNS: I am advised that the question could have been divided before it was put, and we could have voted on each one separately. Now I will consult with the secretary to see whether this can be reconsidered. However, the vote was called and technically, once the vote is called, I do not know how it can be divided. If you will pause just for a moment, I would like to check with the secretary for advice.

I am advised by the secretary that I was correct on the ruling that once the vote is called there is no other parliamentary action in order. However, after the vote has been taken, a reconsideration vote is in order, as it would be ordinarily. Delegate Leibrand.

MR. LEIBRAND: I have the same reason for abstaining. I can't vote on a package.

VICE PRESIDENT DOWNS: Delegate Marshall.

MR. MARSHALL: I move we table this until the first order of business tomorrow morning, Mr. President.

VICE PRESIDENT DOWNS: Would you wait just a moment? Mr. McAllister.

MR. McALLISTER: Mr. President, isn't that out of order? The vote has been called.

VICE PRESIDENT DOWNS: Will the convention please be in order. We will pause while I check with the secretary on the question of whether the motion to vote can be tabled.

The vote has been called, the secretary advises me, and the Chair rules that once the vote has been called, the motion to table is not in order. The parliamentary action that is in order is that after the vote is taken for reconsideration, the question could be divided. Mr. Marshall.

MR. MARSHALL: Then a motion to take each one of these amendments separately would not be in order either?

VICE PRESIDENT DOWNS: Not until after the vote is taken.

MR. MARSHALL: Then I will abstain from voting too, Mr. President, and members of the "legislature," because of the reasons previously stated.

MR. MADAR: Mr. President, just getting some information. I believe I am correct in stating that you must vote affirmatively on this to move to reconsider; am I right?

VICE PRESIDENT DOWNS: That is not correct. Under the rules of the convention you do not have to vote affirmatively in order later to vote to reconsider.

MR. MADAR: I am extremely sorry, Mr. President. My book of Mason's happens to be in the other room.

VICE PRESIDENT DOWNS: Delegate Murphy.

MR. MURPHY: Mr. President, I would like to say I am not voting for the same reasons.

VICE PRESIDENT DOWNS: Delegate Baginski.

MR. BAGINSKI: Mr. President, if this motion is put and carried, or whatever happens to it, I will have the privilege to ask to have it reconsidered, will I not?

VICE PRESIDENT DOWNS: That is correct. All right, those agreeing to the amendments — Mrs. Conklin.

MRS. CONKLIN: I wish to abstain from voting for the same reasons given.

VICE PRESIDENT DOWNS: Delegate Conklin was recognized for the purpose of abstaining. Delegate Hatcher.

MRS. HATCHER: I would like to abstain from voting.

VICE PRESIDENT DOWNS: Delegate Hatcher is recognized for abstaining. Delegate Hood.

MR. HOOD: Delegate Hood would also like to abstain from voting for the reasons expressed by the others.

VICE PRESIDENT DOWNS: Delegate McAllister.

MR. McALLISTER: I would also like to abstain for the same reasons.

VICE PRESIDENT DOWNS: Will the convention please be in order. We can go through with any person who so wants to abstain. Will the convention please be in order.

However, there is one other course of action. By unanimous consent we can refrain from having this vote and instead divide the question. It is entirely up to the convention. Is there any objection to unanimous consent to not have the vote on all the questions, but give the opportunity to divide the question? Is there any objection? Delegate Yeager.

MR. YEAGER: I think we ought to get one thing straight here. You have been ruling that the statements of abstention are in order, and under rule 67, since the vote has been called, they are not in order.

VICE PRESIDENT DOWNS: The question before the convention now is, is there objection to unanimous consent to go back to where we were and then divide the question? Is there objection?

MR. MARSHALL: Mr. President —

VICE PRESIDENT DOWNS: Do you rise to object?

MR. MARSHALL: The hour is now 6:00 o'clock. I move we adjourn.

VICE PRESIDENT DOWNS: The secretary advises me the motion to adjourn is in order.

MR. A. G. ELLIOTT: Point of order.

VICE PRESIDENT DOWNS: State your point of order, Mr. Elliott.

MR. A. G. ELLIOTT: Would the Chair please tell me where it is that an adjournment motion is in order when you have called for a vote?

VICE PRESIDENT DOWNS: The motion to adjourn is always in order.

All those in favor of adjournment will signify by saying aye. Those opposed by nay. The Chair is in doubt. Would those who are in favor raise their right hands.

SECRETARY CHASE: The yeas are 51.

VICE PRESIDENT DOWNS: Those who are opposed to adjourning will raise their right hands.

SECRETARY CHASE: Forty-eight.

VICE PRESIDENT DOWNS: The motion to adjourn has prevailed, and the convention is adjourned until 9:30 tomorrow morning.

[Whereupon, at 6:05 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Thursday, February 15, 1962.]

EIGHTIETH DAY

Thursday, February 15, 1962, 9:30 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our **invocation** this morning will be given by one of our own delegates, Herb Turner, from Saginaw.

MR. TURNER: Our heavenly Father, please be our guide. Watch over us, O Lord. Our souls are infested with selfish interests, our hearts are filled with personal greed, our minds are torn by the weight of confusion. Give us the strength, O God, to stand strong and free of the factors that make us small and petty. Millions of people of this state of Michigan look toward us to create a miracle; may we heed their precautions and consider their desires. Instill in our hearts, O Lord, the will to do what is right for all; cleanse our souls and free our minds that we may stand tall and proud of what we do here. Lead us through these darkest hours, be with us now and forever. Amen.

PRESIDENT NISBET: The roll call will be taken by the secretary. Those present please vote aye.

SECRETARY CHASE: Has everyone voted? The machine is locked and the attendance will be recorded.

Mr. President, a quorum of the convention is present.

Prior to today's session, the secretary received the following requests for leave: Mr. Tubbs, from today's session; Mr. Page, from the sessions of today and Friday, due to illness; and Mr. Nord, indefinitely, due to illness.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Bentley, Nord, Ostrow, Page and Tubbs.

Absent without leave: Mr. Marshall.

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

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. Marshall and Ostrow.]

SECRETARY CHASE: We have a request for 2 announcements before we proceed with the order of business. The subcommittee on eminent domain will meet in room G today after the morning session. Paul Mahinske, chairman; and the committee on local government will meet at 11:45 or immediately after the recess this morning in room A. Arthur Elliott, chairman.

PRESIDENT NISBET: Reports of standing committees.

SECRETARY CHASE: The committee on administration, by Mr. DeVries, chairman, submits the following report and recommends to the president for appointment to the constitutional convention staff, Mr. William Sorrell, as research consultant on a part time basis, with the office of public information. Walter DeVries, chairman.

PRESIDENT NISBET: Without objection, the recommendation is concurred in.

SECRETARY CHASE: The president appoints, pursuant to authorization by the convention, and with the approval of the committee on administration, the aforementioned person to the position indicated.

PRESIDENT NISBET: Without objection, the appointment is approved.

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

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications from state officers.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading.

SECRETARY CHASE: Nothing.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: Mr. Van Dusen offers

Resolution 72, A resolution to amend rule 57 of the rules of the convention.

Following is Resolution 72 as offered:

Resolved, That rule 57 of the rules of the convention is hereby amended by striking out subsections 9 and 10 thereof.

PRESIDENT NISBET: It will be referred to the committee on rules and resolutions.

SECRETARY CHASE: Mrs. Daisy Elliott offers

Resolution 73, A resolution pertaining to an extension of the convention deadline and the placing of the proposed constitution upon the ballot.

Following is Resolution 73 as offered:

Whereas, It has been stated on the floor of this convention by President Nisbet, Vice Presidents Romney and Downs, Dr. Pollock and many outstanding delegates that the primary concern of this constitutional convention is to take the necessary time to write a constructive constitution rather than meet an arbitrary and restrictive deadline for adjournment; and

Whereas, It has become apparent to all delegates that the time schedule relating to the April 1 deadline cannot be met if proper consideration is to be given to the many important matters before this body; and

Whereas, The pressure of the April 1 deadline is the result of an opinion of the attorney general that the convention must adjourn by April 1, 1962, in order to place the document on the November ballot; and

Whereas, The attorney general is not the final authority in this state on matters of constitutional law and this opinion may be disputed before the state supreme court and resolved by that body; and

Whereas, The question as to when the proposed constitution will be voted upon is not so important as to sacrifice the quality of the document; and

Whereas, The enabling legislation setting up this constitutional convention provided for a period until May 15, 1962, for the completion of the work of this convention; and

Whereas, The May 15 deadline seems to provide proper and more ample time for the adequate consideration and necessary deliberations required to produce a sound and equitable constitution; now therefore be it

Resolved, That this body instruct the committee on rules and resolutions to prepare a new schedule for the completion of the work by the convention on or before May 15, 1962, as provided in the enabling legislation; and be it further

Resolved, That all special and partisan interests be laid aside and subjugated by the delegates to the end that a constitution which will meet the needs of all the people of the state of Michigan in the coming decades be drafted; and be it further

Resolved, That the convention take the necessary steps to require the secretary of state to place the revised constitution on the November ballot for the consideration of the voters of Michigan at that time.

PRESIDENT NISBET: It will be referred to the committee on rules and resolutions.

SECRETARY CHASE: Mr. Wanger moves that for the balance of the general orders, except on Mondays, at approximately 10:40 a.m. and 3:40 p.m., the committee of the whole, by declaration of its chairman, rise; that the report of the committee of the whole be withheld; that the convention, without intervening business, then stand in recess for 10 minutes, at the end of which time the convention, without intervening business, will be resolved into committee of the whole.

He further moves that the rules be suspended for the immediate consideration of this motion.

PRESIDENT NISBET: Is there objection to the suspension of the rules for immediate consideration of Mr. Wanger's motion? I hear none. Mr. Wanger.

MR. WANGER: Thank you, Mr. President. I respectfully suggest to the convention that our experience in the past several weeks has shown it is of great convenience to the convention and in total will help our work if we can have a recess at about midpoint in the morning session and in the afternoon session. However, I think it is also clear that it is unrealistic to expect a chairman of the committee of the whole to arbitrarily interrupt business approximately at midpoint if a vote has not been taken without some moral authority of the convention behind him authorizing him to do so. Therefore, I make this motion in hopes that we can facilitate the work of the committee of the whole and promote a better result to send on to style and drafting.

PRESIDENT NISBET: Without objection, the rules are suspended, and the question is on the motion of Mr. Wanger. Those in favor will say aye. Opposed, no.

The motion prevails. Are there any further motions or resolutions?

SECRETARY CHASE: That is all of the motions and resolutions on file, Mr. President.

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the order of unfinished business, the president lays before the convention the report of the committee of the whole on **Committee Proposal 83**, A proposal pertaining to cities and villages. This report was not completed last night upon adjournment. The question at the time was agreeing to the 6 amendments recommended by the committee of the whole, which amendments will be found in the journal of this morning, beginning at the bottom of the lefthand column on page 615. The amendments are as follows:

[The amendments were again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: Mr. Leibrand.

MR. LEIBRAND: Mr. President, I request the proposed amendments be voted upon separately.

PRESIDENT NISBET: Without objection, we will vote on the amendments separately. Mr. Walker.

MR. WALKER: I ask a record roll call vote on each of the amendments.

PRESIDENT NISBET: Is the demand seconded for roll call vote?

SECRETARY CHASE: Not a sufficient number, Mr. President. It takes 1/5 of the delegates present.

PRESIDENT NISBET: Not a sufficient number up.

SECRETARY CHASE: Amendment 1.

[The amendment was again read by the secretary. For text, see above, page 1065.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 2.

[The amendment was again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: The question is on amendment 2. Those in favor will say yes. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 3.

[The amendment was again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: The question is on amendment 3. Those in favor will say aye. Those opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 4.

[The amendment was again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: The question is on amendment 4. Those in favor will say aye. Those opposed will say no.

The amendment is adopted.

SECRETARY CHASE: Amendment 5.

[The amendment was again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: The question is on amendment 5. Those in favor will say aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 6.

[The amendment was again read by the secretary. For text, see above, page 1065.]

PRESIDENT NISBET: The question is on amendment 6. Mr. Leibrand.

MR. LEIBRAND: Mr. President, I move a record roll call vote on amendment 6.

PRESIDENT NISBET: Is the demand supported? Those in favor will rise. A sufficient number up. Those in favor of amendment 6 will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—123

Allen	Goebel	Murphy
Andrus, Miss	Gover	Norris
Anspach	Greene	Pellow
Austin	Gust	Perlich
Baginski	Habermehl	Perras
Balcer	Hanna, W. F.	Powell
Barthwell	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beaman	Haskill	Radka
Binkowski	Hatch	Rajkovich
Blandford	Hatcher, Mrs.	Richards, L. W.
Bledsoe	Heideman	Romney
Boothby	Higgs	Rood
Brake	Hodges	Rush
Brown, G. E.	Hood	Seyferth
Buback	Howes	Shackleton
Butler, Mrs.	Hoxie	Shaffer
Conklin, Mrs.	Hubbs	Shanahan
Cushman, Mrs.	Hutchinson	Sharpe
Dade	Iverson	Sleder
Danhof	Judd, Mrs.	Snyder
Davis	Karn	Spitler
Dehnke	Kelsey	Stafseth
Dell	King	Staiger
DeVries	Kirk, S.	Stamm
Donnelly, Miss	Knirk, B.	Sterrett
Doty, Dean	Koeze, Mrs.	Stevens
Doty, Donald	Krolikowski	Stopczynski
Douglas	Kuhn	Suzore
Downs	Lawrence	Thomson
Durst	Leibrand	Turner
Elliott, A. G.	Leppien	Tweedie
Elliott, Mrs. Daisy	Lesinski	Upton
Erickson	Liberato	Van Dusen
Everett	Madar	Walker

Farnsworth	Martin	Wanger
Figy	McCauley	White
Finch	McGowan, Miss	Wilkowski
Follo	McLogan	Wood
Gadola	Millard	Woolfenden
Garvin	Mosier	Yeager

Nays—9

Faxon	McAllister	Sablich
Lundgren	Plank	Young
Mahinske	Richards, J. B.	Youngblood

SECRETARY CHASE: On the question of agreeing to amendment 6 recommended by the committee of the whole, the yeas are 123, the nays are 9.

PRESIDENT NISBET: The amendment is adopted. Are there other amendments?

SECRETARY CHASE: There have been filed with the secretary some additional amendments, Mr. President.

Mr. Kuhn offers the following amendment:

1. Amend page 1, line 13, after "law.", by inserting "No governmental subdivision shall impose any income tax except on its own residents; the state, however, may preempt this field of taxation."

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

MR. KUHN: I demand a roll call vote.

PRESIDENT NISBET: A demand for roll call vote has been made. Is the demand supported? A sufficient number up. Mr. Elliott.

MR. A. G. ELLIOTT: I urge that we defeat the amendment.

PRESIDENT NISBET: Mr. Gover.

MR. GOVER: What page is this? What proposal?

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: This is Committee Proposal 83, A proposal pertaining to cities and villages. The amendments of the committee of the whole have just been agreed to. Mr. Kuhn now offers the following amendment:

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

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

The roll was called and the delegates voted as follows:

Yeas—42

Anspach	Hoxie	Richards, J. B.
Boothby	Hubbs	Rush
Brake	Kelsey	Shaffer
Brown, G. E.	Kirk, S.	Shanahan
Butler, Mrs.	Kuhn	Sharpe
Conklin, Mrs.	Lawrence	Snyder
Dehnke	Liberato	Spitler
Donnelly, Miss	Martin	Stafseth
Doty, Dean	McAllister	Stamm
Doty, Donald	Pellow	Sterrett
Finch	Perlich	Suzore
Habermehl	Perras	Walker
Hanna, W. F.	Pollock	Wood
Howes	Powell	Yeager

Nays—91

Allen	Garvin	Millard
Andrus, Miss	Goebel	Mosier
Austin	Gover	Murphy
Baginski	Greene	Norris
Balcer	Gust	Plank
Barthwell	Hannah, J. A.	Prettie
Batchelor	Haskill	Pugsley
Beaman	Hatch	Radka
Binkowski	Hatcher, Mrs.	Rajkovich
Blandford	Heideman	Richards, L. W.
Bledsoe	Higgs	Romney
Buback	Hodges	Rood

Cudlip	Hood	Sablich
Cushman, Mrs.	Hutchinson	Seyferth
Dade	Iverson	Shackleton
Danhof	Judd, Mrs.	Slader
Davis	Karn	Staiger
Dell	King	Stevens
DeVries	Knirk, B.	Stopczynski
Douglas	Koeze, Mrs.	Thomson
Downs	Krolkowski	Turner
Durst	Leibrand	Tweedie
Elliott, A. G.	Leppien	Upton
Elliott, Mrs. Daisy	Lesinski	Van Dusen
Erickson	Lundgren	Wanger
Everett	Madar	White
Farnsworth	Mahinske	Wilkowski
Faxon	McCauley	Woolfenden
Figy	McGowan, Miss	Young
Follo	McLogan	Youngblood
Gadola		

SECRETARY CHASE: On the amendment offered by Mr. Kuhn, the yeas are 42, the nays are 91.

PRESIDENT NISBET: The amendment is not adopted.

Following is explanation of nay vote submitted by Messrs. Austin, Baginski, Balcer, Binkowski, Buback, Douglas, Downs, Mrs. Daisy Elliott, Messrs. Faxon, Follo, Garvin, Greene, Hodges, Hood, Lesinski, Mahinske, McCauley, Murphy, Sablich, Wilkowski and Young:

In compliance with our rights as delineated in rule 65, we, the undersigned, hereby submit for publication in the journal our reasons for voting "nay" on the question of constitutional proposal to prohibit a municipality from levying a payroll tax.

In voting against the constitutional proposal to prohibit a municipality from levying a payroll tax, we were opposing any restrictions on a municipality to levy an income tax which should include taxes on wages as well as corporation profits, rents, and other income. We believe that the constitution should not include specific tax language for local communities.

We are consistent in favoring taxation at the state level with rebates to local communities in preference to any form of local income taxation.

If this were a legislative body, we would have voted against the payroll tax. We oppose a tax on income which would relate only to payrolls. Other income, including business and professional income, would have to be included in the tax base.

We would like to point out that our position is consistent with declarations made in the governor's tax program whereby needed assistance is given to hard pressed local units of government in meeting their own revenue requirements.

PRESIDENT NISBET (Continuing): The next amendment, Mr. Secretary.

SECRETARY CHASE: Mr. Suzore offers the following amendment:

1. Amend page 1, line 13, after "law" by inserting "except that no city shall impose a tax upon the income of any person".

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

The amendment is not adopted. The next amendment.

SECRETARY CHASE: Mr. Madar offers the following amendment:

1. Amend page 3, line 17, after "regular" by striking out "or special"; and in line 22, after "vote of" by striking out "a majority" and inserting "3/5"; and in line 23, after "regular" by striking out "or special".

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

MR. MADAR: Mr. President, I request a recorded roll call vote.

PRESIDENT NISBET: A roll call vote has been demanded. Is the demand seconded? A sufficient number up. Those in

favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—48		
Austin	Hatcher, Mrs.	Perlich
Baginski	Heideman	Perras
Balcer	Hodges	Powell
Binkowski	Hood	Prettie
Bledsoe	Howes	Richards, L. W.
Buback	Hoxie	Sablich
Dade	Kelsey	Shanahan
Douglas	Krolikowski	Sharpe
Downs	Leibrand	Snyder
Elliott, Mrs. Daisy	Liberato	Spitler
Erickson	Madar	Stopczynski
Faxon	Mahinske	Walker
Follo	McAllister	Wilkowski
Garvin	Murphy	Wood
Greene	Norris	Young
Hart, Miss	Pellow	Youngblood

Nays—86		
Allen	Goebel	Plank
Andrus, Miss	Gover	Pollock
Anspach	Gust	Pugsley
Barthwell	Habermehl	Radka
Batchelor	Hanna, W. F.	Rajkovich
Beaman	Hannah, J. A.	Richards, J. B.
Blandford	Haskill	Romney
Boothby	Hatch	Rood
Brake	Higgs	Rush
Brown, G. E.	Hubbs	Seyferth
Butler, Mrs.	Hutchinson	Shackleton
Conklin, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Stafseth
Danhof	King	Staiger
Davis	Kirk, S.	Stamm
Dehnke	Knirk, B.	Sterrett
Dell	Koeze, Mrs.	Stevens
DeVries	Kuhn	Suzore
Donnelly, Miss	Lawrence	Thomson
Doty, Dean	Leppien	Turner
Doty, Donald	Lesinski	Tweedie
Durst	Lundgren	Upton
Elliott, A. G.	Martin	Van Dusen
Everett	McCauley	Wanger
Farnsworth	McGowan, Miss	White
Figy	McLogan	Woolfenden
Finch	Millard	Yeager
Gadola	Mosier	

SECRETARY CHASE: On the amendment offered by Mr. Madar, the yeas are 48, the nays are 86.

PRESIDENT NISBET: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Sharpe, Finch and Snyder offer the following amendment:

1. Amend page 1, line 13, after "law.", by inserting "However no unit of government shall have the power to levy a payroll tax upon a nonresident."

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

MR. SHARPE: Mr. President, I would like to request a roll call vote, please.

PRESIDENT NISBET: A roll call vote has been demanded. Is that demand seconded? A sufficient number up. Those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded. Mr. Madar.

MR. MADAR: Mr. President, before this roll call is completely recorded, I would like to know how Mr. Brake is voting, either yes or no.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: I vote no.

MR. MADAR: Mr. President, I am not going to give anyone any preferential treatment. I would like to know how Miss Hart is voting. (laughter)

PRESIDENT NISBET: Miss Hart, you will have to make a statement because the machine is—

MISS HART: Excuse me. I tried to pull this thing. I shall vote yes. (laughter and applause)

The roll was called and the delegates voted as follows:

Yeas—37		
Batchelor	Hart, Miss	Richards, L. W.
Boothby	Haskill	Rush
Brown, G. E.	Hubbs	Sablich
Butler, Mrs.	Kelsey	Shanahan
Conklin, Mrs.	Kirk, S.	Sharpe
Dehnke	Kuhn	Snyder
Dell	McAllister	Spitler
Donnelly, Miss	Pellow	Stafseth
Doty, Dean	Perlich	Stamm
Erickson	Plank	Sterrett
Finch	Powell	Walker
Gover	Richards, J. B.	Yeager
Habermehl		

Nays—94		
Allen	Goebel	McLogan
Andrus, Miss	Greene	Millard
Anspach	Gust	Mosier
Austin	Hanna, W. F.	Murphy
Baginski	Hannah, J. A.	Norris
Balcer	Hatch	Perras
Barthwell	Hatcher, Mrs.	Pollock
Beaman	Heideman	Prettie
Binkowski	Higgs	Pugsley
Blandford	Hodges	Radka
Bledsoe	Hood	Rajkovich
Brake	Howes	Romney
Buback	Hoxie	Rood
Cudlip	Hutchinson	Seyferth
Cushman, Mrs.	Iverson	Shackleton
Dade	Judd, Mrs.	Shaffer
Danhof	Karn	Sleder
Davis	King	Staiger
DeVries	Knirk, B.	Stevens
Doty, Donald	Koeze, Mrs.	Stopczynski
Douglas	Krolikowski	Suzore
Downs	Lawrence	Thomson
Durst	Leibrand	Turner
Elliott, A. G.	Leppien	Tweedie
Elliott, Mrs. Daisy	Lesinski	Upton
Everett	Lundgren	Van Dusen
Farnsworth	Madar	Wanger
Faxon	Mahinske	White
Figy	Martin	Wilkowski
Follo	McCauley	Young
Gadola	McGowan, Miss	Youngblood
Garvin		

SECRETARY CHASE: On the amendment offered by Messrs. Sharpe, Finch and Snyder, the yeas are 37, the nays are 94.

PRESIDENT NISBET: The amendment is not adopted. Are there other amendments, Mr. Secretary?

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

PRESIDENT NISBET: Do you want to talk on this, Mr. Madar?

MR. MADAR: No, sir. A point of personal privilege, Mr. President.

PRESIDENT NISBET: Mr. Madar, would you let Mr. Chase complete this report. Then we will call on you.

MR. MADAR: Yes, sir.

PRESIDENT NISBET: Committee Proposal 83, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 83 as amended and referred to the committee on style and drafting:

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

Sec. a. The legislature shall provide by general law 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 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 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.

Each city and village shall have power to pass laws and ordinances relating to its municipal concerns, property and government subject to the constitution and general laws of this state. No enumeration of powers in this constitution shall be deemed to limit or restrict the general grant of authority hereby conferred.

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 for supplying water, light, heat, power, sewage disposal, and transportation to the municipality and the inhabitants thereof; and 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, 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 or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of 3/5 of the electors of such city or village voting thereon at a regular or special municipal election. Nor shall any city or village sell any public utility unless such 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 voting thereon at a regular or special municipal election.

SECRETARY CHASE: Mr. President, the committee of the whole also had under consideration Committee Proposal 85.

MR. MADAR: Mr. President, it was on Committee Proposal 83 in which I was bringing up this point of personal privilege.

PRESIDENT NISBET: All right, Mr. Madar.

MR. MADAR: Yesterday, when Mr. Ford made a point of order that the minority report amendment filed with the secretary should be given precedence over the amendment filed by Mr. Elliott, Delegate DeVries ruled that the amendment filed by Mr. Elliott would take precedence, since it was filed in the name of Mr. Elliott on behalf of the committee on local government. Later, when this came up again, Mr. Elliott wished to withdraw the amendment, I rose to a point of order, stating that Mr. Elliott had no right to withdraw that amendment because it was not a "Delegate Elliott amendment"; it was a committee amendment, and he couldn't do this without the authority of the committee.

However, Mr. DeVries ruled against me that this was Mr. Elliott's amendment. And I just wish to point out here that he did not have any right to withdraw it. He only has a right to withdraw with the full approval of those who submitted the amendment.

PRESIDENT NISBET: Thank you, Mr. Madar.

SECRETARY CHASE: Mr. President, the committee of the whole yesterday also had under consideration **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; and in committee of the whole has postponed consideration of this proposal until the afternoon session today.

The committee of the whole had also had under consideration **Committee Proposal 88**, A proposal pertaining to metropolitan areas; and had come to no final resolution thereon.

This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Special orders?

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** Mr. DeVries.

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

PRESIDENT NISBET: The question is on the motion of Mr. DeVries. Those in favor will say aye. Those opposed? The motion prevails. Mr. DeVries.

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

CHAIRMAN DEVRIES: The committee of the whole will come to order. When last the committee met it was considering **Committee Proposal 88**, A proposal pertaining to metropolitan areas; section b, and the following delegates sought recognition on Section b: Delegates Downs, Martin, Hoxie, Pollock and Cushman.

For last previous action by the committee of the whole on Committee Proposal 88, see above, page 1059.

The secretary will read section b of Committee Proposal 88.
SECRETARY CHASE: Section b.

[Section b was again read by the secretary. For text, see above, page 1059.]

CHAIRMAN DEVRIES: Does the gentleman from Detroit, Vice President Downs, seek recognition?

MR. SNYDER: Point of order, Mr. Chairman, if I may.

CHAIRMAN DEVRIES: What is your point of order?

MR. SNYDER: Yesterday, just before the committee rose, I had the floor and Mr. Elliott, for the second time during this committee, shut off my utilities, and he told me last night he was going to turn the utilities on. However, he hasn't done it; so what are my rights? Do I still have the floor? I would address the question to the committee.

CHAIRMAN DEVRIES: Will Vice President Downs yield to the delegate from St. Clair Shores?

MR. DOWNS: I yield to the delegate from St. Clair Shores.

CHAIRMAN DEVRIES: Delegate Snyder.

MR. SNYDER: Mr. Chairman, yesterday, before the committee rose, we were discussing section b of Committee Proposal 88, and Mr. Hutchinson at that time had made what I felt was a very pertinent point; that after we had gone beyond section a of the proposed committee report, we were getting into considerable statutory detail. And my problem that I raised was this: the language as submitted at the present time does go into a field of statutory law that I feel should be flexible, and it should not be frozen into the constitution, and this has to do with the multipurpose functions of government rather than the single functions of government, and the specific question that I raised to the committee yesterday was how, under the proposed committee report, would this affect those functions of government such as, for instance, the police and the fire department. Would this make it mandatory for the units to be combined, or would there still be legislative jurisdiction in this thing?

I think this is a very important point. It will be a very sensitive issue. And if we don't have a proper interpretation

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.

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.

in the place of the condensed version made by the committee on style and drafting.

In addition, the committee wishes to point out that the words deleted in Committee Proposal 83, section a, are the same words used on line 6 of Committee Proposal 89, which is the home rule proposal. The committee feels that there could be differences of opinion between the courts as to the reasons for changing the language in the city home rule section as compared to that of the county home rule in the proposed section.

Another argument that was brought up on the floor—and we argued very long about it—was regarding the income tax and whether or not some language should be put into this section prohibiting certain types of taxes on nonresidents. It is still the committee's opinion that this is strictly a legislative matter and I think that what has happened since the first reading and today is, there are several bills that are introduced over there. Therefore, the committee would recommend that the language as outlined be reinserted and that the convention adopt the amendment as proposed by the committee.

PRESIDENT NISBET: The Chair will recognize William Hanna.

MR. W. F. HANNA: Mr. President, I would like to ask Mr. McCauley a question.

PRESIDENT NISBET: If Mr. McCauley cares to answer.

MR. W. F. HANNA: Mr. President and Mr. McCauley, is it your statement that by going back to the original language prior to the changes made by style and drafting that you have given to each city and village power to levy taxes other than a general property tax without any limitation to be later imposed by the legislature?

MR. MCCAULEY: No. It is the intention of the committee that the cities and villages would be permitted to levy such other taxes except as would be prohibited by this constitution or law.

MR. W. F. HANNA: Mr. President, may I ask the secretary to read how he would reword the second sentence of that section?

SECRETARY CHASE: The second sentence according to the proposed amendment would then read:

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.

PRESIDENT NISBET: The question is on the adoption of the amendment by Mr. McCauley. Mr. Buback.

MR. BUBACK: Mr. President and members of the convention, I urge the adoption of this amendment.

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

The amendment is adopted. Second amendment.

SECRETARY CHASE: Mr. Arthur Elliott, on behalf of the committee on local government, offers the following amendment:

1. Amend page 1, line 17, [section b] after "by this section," by inserting "Such cities and villages shall have exclusive jurisdiction over wages and hours and administration except for general laws applicable to all persons or all public employees alike."

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen of the convention, in committee of the whole, this particular amendment was withdrawn by our committee on local government with the understanding that we wanted to review the substance of the amendment and perhaps offer it on second reading. This review has taken place and, while there is not complete unanimity on the subject by any means, a majority of the members of the committee in session did authorize and require that the amendment be offered at this time.

May I say that the purpose of this amendment is to make the general law of the state cover all of our public employees alike. I think that the language is simple and makes it perfectly clear that it is the desire of the committee, by offering this amendment, to make it incumbent upon the legislature, if it is going to exercise any jurisdiction over wages and hours,

to do it by general law which is applicable to all public employees. We urge the adoption of this amendment.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: Mr. President, this motion may not be necessary and I hope it isn't, but I move to limit debate on this amendment to 20 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Mr. Snyder.

MR. SNYDER: I just want to be recognized so that I get in on the first 20 minutes.

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

The motion prevails. Debate is limited to 20 minutes. Mr. Snyder, you are recognized right now.

MR. SNYDER: Mr. President, I deeply regret that we have a limitation of this sort, and in order to give as many people as possible the opportunity to present my point of view, I do sincerely intend to make my remarks short and brief.

I feel that it is regrettable that this convention, by a subterfuge, used this device to sell down the river, if I may say, the very faithful municipal employees that we have in this state. I was of the conviction that when this honorable group of men took the action during committee of the whole where we had unlimited and uninhibited debate in an atmosphere that would have let us let down our hair, this is where we could have resolved this problem. Certainly under the present conditions we can only skim the surface and take away from many people in this state something that they already have. I deeply regret that we had to use this device and I will now turn the floor over to other people who I know want to speak on this feeling. I oppose the amendment vigorously.

PRESIDENT NISBET: The Chair recognizes Mr. Sleder.

MR. SLEDER: Mr. President and fellow delegates, I should like to speak in favor of the amendment. Throughout our whole—

PRESIDENT NISBET: The convention will be in order, please.

MR. SLEDER: —throughout the whole article of county government, local government, city government, we have tried and attempted to establish the power at the local level of government. In every article that has been adopted so far, we speak very heavily of putting the control with the townships, the cities and the villages. And this is an amendment in which we feel—an area where the state legislature has preempted the field of local government, in that they have chosen certain areas in the employee field of the cities and the villages and have attempted to determine to the common councils and to the village councils how these areas should be controlled.

I want to point out that if the legislature so chooses to treat all employees alike throughout the state and throughout these certain sections of government, this amendment does not prohibit them from doing it. However, it does prohibit them from selecting a certain segment of employees and treating them separately from other employees. Likewise, if the state legislature does provide the financial aid or the financial help to these areas which they attempt to control, they may control them. However, they cannot control them if they do not provide financial aid or help in the area that they are controlling. Therefore, for these reasons I support the committee amendment to this proposal.

PRESIDENT NISBET: The Chair would say we have about 15 minutes. We have 5 speakers; so will you please take your turn, divide it up. Mr. Binkowski.

MR. BINKOWSKI: Mr. President, ladies and gentlemen of the convention, I think this is a cowardly way out to approach a problem. Here is a problem that is going to be affecting the rights of fire fighters throughout the state of Michigan and we are given 20 minutes to discuss their rights and their future and their entire working conditions. I think if this is the type of attention that we are going to give to serious matters like this that perhaps they and the people outside who are going to have to vote on this document, perhaps they will give the same amount of attention to all of our work.

Now, I don't know the answers to all the problems but they presented us with a very lengthy brief. I don't think that there

is any question that we did not have an opportunity on the floor of this convention to deliberate and to discuss these issues in detail. I am going to take 2 minutes out just to read the 9 objections which they raised, and I would say that unless these objections have been satisfactorily answered, I will vote against the committee's amendment because I simply do not think that we are paying a proper amount of attention to something as serious as this. I will quote, it would:

1. Apparently abolish specific legislation already on the statute books of great consequence to the state and its citizens;
2. Deny the state the authority hereafter to act in matters of general state concern affecting the municipal public service;
3. Preclude uniformity of employment conditions in the public services between municipalities notwithstanding any economic, social, or political interdependence of cities;
4. Encourage competition between communities at the expense of their employees and thereby act adversely to the public interest;
5. Drastically alter the traditional concept of the city as the creature of the state and put the city beyond state control;
6. In numerous instances deny relief to problems of general concern especially of a social nature which only the state as a whole is equipped to render;
7. Adversely affect the morale and confidence of the municipal public service by denying job security and effective grievance and personnel relations and would thereby undermine the efficiency of such public service;
8. Permit cities to arrogate from the state jurisdiction over broad public policies heretofore thought to be the concern and jurisdiction of the state alone; and
9. Do all these things without apparent municipal advantage, since cities already enjoy a substantial measure of self determination and self government under current home rule sections of the constitution.

I would have asked these questions of the chairman, but I think in deference to the speakers and in deference to the time limitation that this would not be fair. But I think that this matter is of a very serious nature. I don't think that we are spending the proper amount of time on it.

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I urge a no vote on the amendment and demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand seconded? Sufficient number up. You may continue.

MR. DOWNS: I shall be very brief and simply say that former speakers have pointed out that this classification could eliminate standards that have been established for governmental workers—fire fighters and others—and conceivably could be used to prevent additional standards from being adopted for governmental workers.

PRESIDENT NISBET: Mr. Walker.

MR. WALKER: As long as we are operating under the gag rule, Mr. President, I pass.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, here we are trying, and have been for a good many years, to build up morale amongst the governmental employees. Goodness only knows that the manufacturers and private employers have been able to take away capable men from government employ and yet, today, we here are going to strike another blow against governmental employees. We are going to lower the morale; we are going to lower the efficiency of service instead of trying to boost it. I say vote no on this amendment.

PRESIDENT NISBET: Mr. Kelsey. Mr. Lawrence.

MR. LAWRENCE: Mr. President—

PRESIDENT NISBET: Excuse me. The Chair didn't see you, Mr. Kelsey. Mr. Kelsey was recognized before you, Mr. Lawrence.

MR. KELSEY: I was waiting for the red light. Apparently this doesn't work as fast as Freedom VII, here, "all systems go." I was fearful from the beginning—first, let me say that

Mr. Binkowski outlined the argument that I was going to use. I was fearful from the beginning when I looked over Mason's Manual of Legislative Procedure, which I was not familiar with until I came to this convention. There were many of my friends said, "John, you're a pretty fiery guy. You're pretty quiet." I said, "Well, I thought I'd save my silver bullets for the second round;" but I see now that it is going to work to a disadvantage.

I hope that we don't destroy what we have done in committee of the whole that took us so many long, patient hours and now could be destroyed with this type of procedural maneuver. I am fearful that this is what can happen on second reading. I only hope that you would oppose the amendment for the many good reasons given. Thank you, Mr. President.

PRESIDENT NISBET: Mr. Lawrence.

MR. LAWRENCE: Mr. President and members of the convention, I urge you to vote no on this amendment. Due to the limitations of time, I won't use it up, except for this: for the last 20 years I have been engaged in trying to get some gains for our municipal employees in Ypsilanti. The only way it has been able to be done has been by general acts of the legislature. Now, without any consideration at all, you are asked to change—by an amendment not by a committee recommendation, initially, but by an amendment—what has become established practice in the state. It is not being given proper consideration. It is not being properly debated. It will be a very vital thing. We will end up with difficulty with municipal employees if this goes through because the only gains they have got have been through general laws of the legislature and these acts that have applied to specific instances. I urge you to vote no.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, I just don't want the committee on local government to be put in the position of where they are acting in opposition to one class of public employees. The purpose of this amendment is to make it possible for the legislature and to require the legislature, when it passes laws on hours and administration, to make such laws affect all public employees alike.

And may I point out to Mr. Lawrence that this is not something that is coming at the last moment at all. It was a part of the original committee recommendation which was presented to you many weeks ago. It was included in the rationale as proposed in Journal 70 under Committee Proposal 83, and it was withdrawn at that time because of the fact that we felt that the original language which we submitted was not as well drafted as it should have been. And this is the redrafted language which we think more properly expresses the point of view of the majority members of the committee. This is not an attempt—and I would repeat that, so there will be no misunderstanding—this is not an attempt to obviate or to destroy any of the progress that has been made in this field, but it is merely to make it incumbent upon the legislature as they pass these laws involving hours and wages that they do it for all public employees and do not discriminate against those public employees by passing special laws to affect one group.

PRESIDENT NISBET: Mrs. Judd.

MRS. JUDD: Well, I think most of the people talking against this have been some of the strongest advocates of the civil service system. One of the principal factors of the merit system is that all employees' wages shall be set in relationship to the work that each of them does and this is all we are asking: that this principle be applied to municipal employees as well as to the state.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President, just very briefly I should like to point out that cities do sometimes, and villages and townships do, take under advisement serious matters and act favorably upon them. Such was the case yesterday in the city of Pontiac where we had a firemen's and policemen's retirement plan on the ballot. It was pointed out in the newspapers it would cost us \$100,000 a year, 35 cents per thousand tax increase, but the firemen got out to the polling places and handed out literature all day long. Off duty firemen were

at every one of the 44 precinct polling places; it may come as a great shock to some people here, but it passed.

PRESIDENT NISBET: Mr. Woolfenden.

MR. WOOLFENDEN: For the reasons which were stated by Mr. Lawrence and on the basis of my experience as a city commissioner of the city of Bloomfield Hills for 6 years, I oppose this amendment.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President and fellow delegates, the way this amendment reads, where it says over hours and wages applicable to all persons, it would seem to me that this would include more than what some people have been alluding to, which is, namely, municipal employees. It seems to me that this would include anyone living within the city for any employment they are seeking and this is a much broader grant than some of the proponents have suggested. For this reason and for the reason that the language is so unclear with regard to whom it applies, I would oppose this amendment.

PRESIDENT NISBET: Mr. Buback.

MR. BUBACK: Mr. President and members of the convention, I strongly urge you to vote against this amendment. I voted against it in the committee. This actually precludes the firemen or policemen from going to the legislature for any relief. I think this has been a fine thing to have as we have it presently because if the common council or the village council does not act favorably, they know that the firemen will go to the legislature. I strongly urge you to vote against this amendment.

PRESIDENT NISBET: Mr. Young.

MR. A. G. ELLIOTT: Point of order. Is it 20 minutes?

PRESIDENT NISBET: Not yet.

MR. YOUNG: Mr. President, is a motion in order to reconsider the motion to limit debate?

PRESIDENT NISBET: You are the last speaker that is being recognized, Mr. Young.

MR. YOUNG: Well, if such a motion is in order, I so move.

PRESIDENT NISBET: Those in favor of Mr. Young's motion to reconsider the question of limiting debate will say aye. Opposed, no.

The opinion of the Chair is that it does not prevail. Mr. Young, will you complete your statement.

MR. YOUNG: I was merely interested in guaranteeing, Mr. President, the time necessary to consider what I believe to be a very important decision being made posthaste by this convention, having been pulled out of a hat at the last minute.

Now if this convention is determined to proceed without proper consideration in this matter of such vital concern to thousands of municipal employees, I am sure that no argument, no last minute argument on my part, can influence the convention in another direction. I would merely indicate, however, that I believe the action contemplated here is hasty, ill considered, undemocratic and fraught with grave injustice for all public employees throughout our state.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, I was the one who withdrew the proposed language at the time we were on first reading and I do not think we should leave the impression of gag rule. Now I do not know at which time to make the motion, but at the expiration of the 20 minute period, I would move that we grant an additional 15 minutes of debate. Is that motion in order now or at the expiration of the 20 minutes?

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

MR. ALLEN: Mr. President, what happens to my motion?

PRESIDENT NISBET: Well, you requested your motion at the expiration of the time and the time hasn't expired. Do you want to make the motion now?

MR. ALLEN: Yes, Mr. President. I move that an additional 15 minutes of debate be permitted.

PRESIDENT NISBET: The question is on the motion of Mr. Allen that 15 minutes of extra debate be granted. Those in favor will say aye. Opposed, no.

The opinion of the Chair is that it does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: Division has been asked for. Those in favor —

MR. DOWNS: Yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand for the yeas and nays seconded? Sufficient number up. The question is on the motion of Mr. Allen that an additional 15 minutes of debate be granted. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—74

Allen	Gover	Perras
Andrus, Miss	Hanna, W. F.	Plank
Anspach	Hart, Miss	Pollock
Austin	Heideman	Powell
Baginski	Hodges	Prettie
Balcer	Hood	Pugsley
Bentley	Hoxie	Radka
Binkowski	Hubbs	Rajkovich
Bradley	Hutchinson	Richards, L. W.
Brown, T. S.	Jones	Sablich
Cushman, Mrs.	Kelsey	Shaffer
Danhof	King	Shanahan
Dehnke	Krolikowski	Sharpe
Dell	Kuhn	Sleder
Donnelly, Miss	Lawrence	Snyder
Downs	Leibbrand	Sterrett
Elliott, A. G.	Leppien	Stopczynski
Elliott, Mrs. Daisy	Lesinski	Suzore
Erickson	Liberato	Upton
Everett	Mahinske	Walker
Faxon	Martin	Wanger
Finch	Murphy	Wilkowski
Follo	Nord	Young
Garvin	Norris	Youngblood
Goebel	Perlich	

Nays—45

Batchelor	Hatch	Seyferth
Beaman	Hatcher, Mrs.	Shackleton
Brake	Howes	Spitler
Brown, G. E.	Iverson	Stafseth
Buback	Judd, Mrs.	Staiger
Butler, Mrs.	Karn	Stamm
Dade	Kirk, S.	Stevens
Doty, Donald	Knirk, B.	Thomson
Durst	Koeze, Mrs.	Turner
Farnsworth	Madar	Tweedie
Figy	McCauley	Van Dusen
Gadola	Millard	White
Gust	Mosier	Wood
Hannah, J. A.	Romney	Woolfenden
Haskill	Rood	Yeager

SECRETARY CHASE: On the motion of Mr. Allen to provide an additional 15 minutes' time for debate, the yeas are 74; the nays are 45.

PRESIDENT NISBET: The motion prevails. The Chair recognizes Mr. Binkowski.

MR. BINKOWSKI: I would just like to ask a question, Mr. President, ladies and gentlemen —

MR. A. G. ELLIOTT: Point of order. Mr. Binkowski has spoken once on this subject.

PRESIDENT NISBET: You are correct. Mr. Binkowski has spoken once. Does anybody else care to speak on this subject? The Chair has no other names. If not, the question is on the amendment —

MR. FOLLO: Mr. President.

PRESIDENT NISBET: Mr. Follo.

MR. FOLLO: This amendment brings to mind the hours and hours I spent sitting and listening to the imagined grievances on the part of firemen when I was on the civil service commission in the city of Escanaba. I cannot for the life of me but wonder why we should be singling out policemen and firemen here. Why not the truck drivers, the electricians, the street cleaners, and all the rest of the city employees, as well?

I am not opposed to labor. I want to see every city employee—I like to see a good force of city employees, well paid, with good working conditions; but I do not think it is right for one group of employees to be able to go to the legislature to get a pay raise which throws the whole budget out of balance, where certain employees can go and do this while others can't. It just doesn't make sense to me. For that reason I am very much opposed to this amendment.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen of the convention, I think the answer to Mr. Follo's question is very simple and very certain: these 2 groups have been well organized. They have been able to put pressure on the legislature that the other employees were not able to put on the legislature. These questions came up when I was in the senate. I opposed them then. I took the position that the state was clear out of its field in dictating to local units of government what they should pay and what the hours should be. I think that position is absolutely sound and I am in favor of this amendment.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, Mr. Binkowski asked some questions. I won't answer them all, but I think some of them should be answered right now: the first is, he said it would abolish gains made of great consequence. Now the local government committee understands that none of the firemen and policemen legislation which is now on the books is going to be abolished by this at all. In other words, it is not abolishing the legislation that is now on the statute books.

The second point made by Mr. Binkowski was that it would put the municipal units, the villages and the cities, beyond state control. Now it will not put them beyond state control. A city or a village does not act, cannot act, in its general municipal purposes without enabling legislation from the state. Now there are some residues of local government that are given without the state—that's a difference between a city and a township and a county—but by and large for our purposes it takes state action and there is nothing here in this amendment that says that the state may not, if it passes an act that applies to all employees, still continue to act. So we are not taking the cities out of the control of the state.

Now what this amendment is really doing is what the constitutional convention of 1907 thought it was doing, and that is allowing each city to control its own employees as it thinks best. It was not until the supreme court case around 1933 or '34 that anyone knew that the cities did not have this power.

If our firemen and policemen may go through Lansing and have a statute passed that applies to them only, what is to prevent the public works employees from going to Lansing and having a law that applies to them only, or having the health department employees go and have a law that applies to them only? This is a general law and if it applies to Detroit, it has got to apply to St. Joseph, Michigan, or to Charlevoix or to Kalamazoo. And our cities are different. What you do by allowing this sort of thing is, you undo the whole principle of home rule.

Now the last point, the one raised by Mr. Faxon on this amendment: why does it say "except . . . all persons?" There was some claim made on the original language of the committee proposal as it was printed in Journal 71—and it was not this language—that if the amendment passed, it would prohibit the state from doing anything, for example, in the nature of F.E.P.C. laws. Now, this language eliminates any possibility of anyone claiming that the state would be precluded from passing a law that applies to all persons or to all city employees. If the state wants to pass a law that all cities must raise employees' rates by so much across the board or if it wants to say that there shall be a minimum wage, it may still do so. But it does prevent the state from saying that a certain part of city employees, like firemen or policemen, will have a special treatment, because if we allow this then we have undone home rule.

PRESIDENT NISBET: The question is on the amendment of Mr. Elliott. The yeas and nays have been demanded. Those

in favor of the amendment will vote aye. Those opposed will vote nay. The question is 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—68

Allen	Hanna, W. F.	Radka
Andrus, Miss	Haskill	Rajkovich
Anspach	Hatch	Richards, J. B.
Batchelor	Heideman	Romney
Beaman	Higgs	Rood
Brake	Hoxie	Rush
Brown, G. E.	Hubbs	Seyferth
Butler, Mrs.	Iverson	Shackleton
Cushman, Mrs.	Judd, Mrs.	Shaffer
Danhof	Karn	Shanahan
Dell	King	Sleder
Doty, Dean	Kirk, S.	Spitler
Doty, Donald	Knirk, B.	Stafseth
Elliott, A. G.	Koeze, Mrs.	Staiger
Everett	Leibrand	Stamm
Farnsworth	McLogan	Stevens
Figy	Millard	Thomson
Finch	Mosier	Upton
Follo	Plank	Van Dusen
Gadola	Pollock	White
Goebel	Powell	Wood
Gover	Prettie	Yeager
Gust	Pugsley	

Nays—56

Austin	Hart, Miss	Nord
Baginski	Hatcher, Mrs.	Norris
Balcer	Hodges	Perlich
Barthwell	Hood	Perras
Bentley	Howes	Richards, L. W.
Binkowski	Hutchinson	Sablich
Bradley	Jones	Snyder
Brown, T. S.	Kelsey	Sterrett
Buback	Krolkowski	Stopezynski
Dade	Kuhn	Suzore
Dehnke	Lawrence	Turner
Donnelly, Miss	Leppien	Tweedie
Downs	Lesinski	Walker
Durst	Liberato	Wanger
Elliott, Mrs. Daisy	Madar	Wilkowski
Erickson	Mahinske	Woolfenden
Faxon	McCauley	Young
Garvin	McGowan, Miss	Youngblood
Hannah, J. A.	Murphy	

SECRETARY CHASE: On the amendment offered by Mr. Arthur Elliott, the yeas are 68; the nays are 56.

PRESIDENT NISBET: The amendment is adopted. Mr. Lawrence.

MR. LAWRENCE: For the first time I have been ashamed of the action taken by this convention. In the first place, the people who were interested and knew about this got up thinking there was a 20 minute rule and spoke. The first one who attempted to speak again was then stopped under our convention rules. I don't think that was fair, I don't think it was proper, and I move that the vote on the amendment be reconsidered.

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

MR. WALKER: Mr. President.

PRESIDENT NISBET: The motion does not prevail. Mr. Walker.

MR. WALKER: I rose to ask the yeas and nays, sir.

PRESIDENT NISBET: The yeas and nays have been requested. Is that demand seconded? Sufficient number up. Those in favor of reconsideration will vote aye—will the machine be cleared first. Will the machine be cleared. Those in favor of reconsideration—Mr. Thomson, will you turn your light off. Mrs. Cushman. I wonder if you people will leave the machine alone for a minute. The question is on reconsideration. Those in favor of reconsideration will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—64

Andrus, Miss	Hart, Miss	Murphy
Austin	Hatcher, Mrs.	Nord
Baginski	Hodges	Norris
Balcer	Hood	Perlich
Barthwell	Howes	Perras
Binkowski	Hoxie	Pollock
Bradley	Hutchinson	Richards, L. W.
Brown, T. S.	Jones	Sablich
Buback	Kelsey	Sharpe
Butler, Mrs.	King	Snyder
Dade	Koeze, Mrs.	Sterrett
Dehnke	Krolkowski	Stopczynski
Donnelly, Miss	Kuhn	Suzore
Douglas	Lawrence	Tweedie
Downs	Leibbrand	Upton
Durst	Leppien	Walker
Elliott, Mrs. Daisy	Lesinski	Wanger
Erickson	Liberato	Wilkowski
Faxon	Madar	Woolfenden
Follo	Mahinske	Young
Garvin	McCauley	Youngblood
Hannah, J. A.		

Nays—59

Allen	Haskill	Romney
Batchelor	Hatch	Rood
Beaman	Higgs	Rush
Bentley	Hubbs	Seyferth
Brake	Iverson	Shackleton
Brown, G. E.	Judd, Mrs.	Shaffer
Cushman, Mrs.	Karn	Shanahan
Danhof	Kirk, S.	Sleder
Dell	Knirk, B.	Spitler
Doty, Donald	Martin	Stafseth
Elliott, A. G.	McLogan	Staiger
Everett	Millard	Stamm
Farnsworth	Mosier	Stevens
Figy	Plank	Thomson
Finch	Powell	Turner
Gadola	Prettie	Van Dusen
Goebel	Pugsley	White
Gover	Radka	Wood
Gust	Rajkovich	Yeager
Hanna, W. F.	Richards, J. B.	

SECRETARY CHASE: On the motion to reconsider, the yeas are 64; the nays are 59.

PRESIDENT NISBET: The motion prevails. The vote is to be reconsidered.

The question now is on the amendment offered by Mr. Elliott. Those in favor—will the machine be cleared, please. Will those delegates with lights by their names up there please turn the switches off. The question now is on the amendment by Mr. Elliott.

MR. WALKER: Mr. President.

PRESIDENT NISBET: Mr. Walker.

MR. WALKER: Parliamentary inquiry, sir. After a motion has been voted to be reconsidered, doesn't this eliminate any previous limitations on debate and is it then not open for additional debate? In other words, anything previous has gone down the drain?

PRESIDENT NISBET: The Chair might say, Mr. Walker, there are still 13 minutes of debate left if anybody wants to talk. On my list nobody has requested—

MR. YEAGER: Mr. President, if it is in order, I move the previous question.

DELEGATES: No.

MR. WALKER: Mr. President, I don't believe that motion is in order.

PRESIDENT NISBET: The convention will be in order. The previous question has been requested. Is the demand seconded?

MR. LAWRENCE: Point of order, sir.

MR. WALKER: Who can talk, Mr. President?

PRESIDENT NISBET: What's that?

MR. LAWRENCE: Who can talk?

PRESIDENT NISBET: The previous question has been requested now, Mr. Lawrence.

MR. LAWRENCE: Point of order, sir.

PRESIDENT NISBET: Is the demand for the previous question seconded? The convention will be in order. It is not seconded. Mr. Lawrence. There are 13 minutes left, Mr. Lawrence. Anyone who has not talked previously can talk now.

MR. LAWRENCE: Now that the motion to reconsider has prevailed, may a delegate speak a second time?

PRESIDENT NISBET: The Chair will rule that it is still consideration of the same question, and that under the rule no delegate, other than the mover of the amendment, may speak a second time.

Mr. Ted Brown, you have not spoken before and you have the floor.

MR. T. S. BROWN: Mr. President and fellow delegates, very briefly, in regard to some points that were raised in our previous conversations, there is a qualitative difference between policemen and firemen as a group and all other civil employees. That is that on the occasion, the certain occasion—in the matter of an inferno and the matter of violence and such—the policemen and firemen may be asked to lay down their lives for the service of the municipality in which they are employees. I suggest that this is a great difference. I have had occasion to see firemen die and it is a rather memorable experience. I think those of you who served in our armed forces and have had occasion to present yourself to this particular whim and caprice of the enemy's bullets and such will realize that there is a difference between this type of occupation and all other municipal occupations. I think this is a sufficient difference—especially when these people are called upon to stay on duty, as it were, 24 hours a day 7 days a week—to entitle them to that extra consideration in matters of import relating to wages and hours and such.

PRESIDENT NISBET: Mr. Leppien.

MR. LEPPIEN: Mr. President and fellow delegates, I would simply reaffirm what Delegate Brown has just said and emphasize the fact that the employment conditions are entirely different and therefore need this added protection over against other employees of villages and cities.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: I just want to add one thing to Delegate Brown's comments, and that is that in this field of work, the government is looking for younger people and they have to be retired early and the older people that can carry on in other work are not wanted in these 2 departments.

PRESIDENT NISBET: Miss Hart.

MISS HART: Mr. President, may I ask Mr. Elliott a question, through the Chair?

PRESIDENT NISBET: You may, if he cares to answer. Mr. Elliott?

MISS HART: Mr. Elliott, this would mean that there could not be under this provision a minimum wage, a statewide minimum wage for teachers, would it not?

MR. A. G. ELLIOTT: Well, frankly, Miss Hart, I am not sure. I don't believe that you are correct. I think that this establishes that when they adopt a general law that it has to be applicable to all public employees. However, I think at that time perhaps that would be right, all right—

MISS HART: I believe it does. I believe this prohibits a statewide minimum wage for teachers.

MR. A. G. ELLIOTT: I am not at all sure that your answer is correct, your statement on it.

PRESIDENT NISBET: Mr. Kuhn.

MR. KUHN: Mr. President, under rule 24, I move at this time that Mr. Lawrence be allowed to speak again.

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

The motion prevails. Mr. Lawrence, you may speak again. (laughter)

MR. LAWRENCE: Well, I suppose you would call that calling a bluff. The situation, as I see it—and I thought we had passed it on first reading by its not having been brought up—was that we were going to leave the situation as it was and allow the legislature the right to pass general acts that affect or involve only special public employees.

The situation, I can tell you, has been this: the firemen in municipalities are engaged in an occupation that is inherently dangerous. Certainly, it is a standby occupation but in the case of a fire of a serious nature it is a dangerous occupation. They have to have special training if they are properly to take the responsibilities they have. Now the same applies to the policemen. The policemen are in an occupation that can at any time either disable or cause them to be killed. It isn't exactly right, in my opinion, that they should be treated the same, necessarily, as all municipal employees or, to put it in the converse, that their problems are the same ones that the clerical employees, for instance, or those in the departments of public works have.

Now the legislature has seen fit in the past to pass acts which, if adopted by the people—now understand this: they are not acts that the legislature passes that go into effect and that all cities have to accept whether they want them or not; but the legislature has made it possible for cities, individually, to vote—the people in the cities to vote whether or not those general acts apply. Certainly there is nothing wrong with that. Can anybody here who has advocated the passage of this amendment get up and truthfully state that the legislature should not make it possible for the people themselves to determine whether or not the privileges granted by the act are to be allowed? If so, then they are saying that regardless of what the wishes of the people are the legislature is wrong.

In the last instance, an extra Kelly day was given to the firemen, if the people adopted it. In the city of Ypsilanti they adopted it. In the city of Ann Arbor, 6 miles away, they rejected it. Now the situation in Ann Arbor was entirely different than in Ypsilanti; at least the people thought so. But certainly there is nothing wrong in leaving the situation as it is now. That's the reason this amendment should be defeated.

If you were saying or if we were saying, by voting against this amendment, that the cities had to take an act that the legislature passed—and I want to make that clear to you—if we were saying that, the problem would be entirely different. All we are saying is: let the people in the cities be able to determine whether these acts that the legislature here has debated, matters which are presented to them, shall be applied to those cities or not.

PRESIDENT NISBET: Mr. Everett.

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

PRESIDENT NISBET: Mr. Everett is recognized.

MR. EVERETT: Mr. President and fellow delegates, I think we are overlooking one thing in the course of this debate. It has been suggested that there are differences between the work of firemen, policemen and other municipal employees. I think we all recognize this, but so do the municipalities recognize it. They provide, usually, different retirement systems, different pay scales, different hours of work, and so forth. The fact that there are differences is not affected by this amendment nor is it indicated that we do not recognize it. The difference is whether we think the municipalities ought to control this matter or whether we think the legislature should.

Now Mr. Lawrence said that this is a matter of local option, but you want to remember that if the legislature has the power to make it a matter of local option, it also has the power to pass state laws which will regulate this without local option, and it is only this power which we are trying to limit.

I cannot speak for all cities, but I think most cities do have the initiative and if the people want special protection which the commissioners are not granting, they can get it for policemen and firemen. They don't have to go to the legislature to get it.

One other thing, in connection with Miss Hart's suggestion: this would not apply to school teachers. It applies only to cities and villages, not to school districts; and, therefore, it would not prevent a minimum wage law for school teachers.

I think, in line with what Mr. Allen said earlier, it is simply a question of whether the cities ought to have a right to govern their own affairs in this area as they should in

others. I think they should and I am in favor of the amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Tweedie.

MR. TWEEDIE: I should like to know what happens if a city aggrieves these employees and a large number of them quit; what happens to the public safety and welfare? To be sure, one person pointed out that there is always a large number on the waiting list; yet these people will be untrained. I think that we must provide a place for these employees to go if they are aggrieved by the city and I think that is the state legislature.

PRESIDENT NISBET: Mr. Plank.

MR. PLANK: Mr. President, Delegate Everett made my points. Thank you very much. I just want to say now that I am in favor of the amendment.

PRESIDENT NISBET: Mr. McLogan.

MR. McLOGAN: Mr. President, it seems to boil down to saying that the city fathers are not capable of making the same assessment with regard to wages and working conditions based on the same set of facts that the legislature might make. I would hold that the city fathers are perfectly capable in this matter and would support the amendment of the committee.

PRESIDENT NISBET: Mr. Norris.

MR. NORRIS: Mr. President, I rise to oppose the amendment because I believe it prohibits the state from providing special laws for the protection of teachers, firemen and policemen. It prohibits and restricts the powers of the legislature in recognizing certain peculiarities with regard to how the public interest relates to the specific occupation. It also prevents the legislature from recognizing that there are limitations in the collective bargaining relationship between these specific occupations and the public interest. For this reason, Mr. President, I would say that it raises more problems than it solves and does operate as an undue restriction in the event that the public interest might be served by the legislature's exercising its wisdom to recognize certain special characteristics of the particular types of employment. I would urge a no vote on this question.

PRESIDENT NISBET: The question is on the adoption of the amendment. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. FOLLO: Mr. President, may I have the privilege of explaining my vote?

PRESIDENT NISBET: Mr. Follo, if you will put your views in writing, they will be printed in the journal.

MR. FOLLO: Thank you.

The roll was called and the delegates voted as follows:

Yeas—64

Allen	Hanna, W. F.	Radka
Andrus, Miss	Hannah, J. A.	Richards, J. B.
Anspach	Haskill	Rood
Batchelor	Hatch	Rush
Beaman	Hoxie	Seyferth
Blandford	Hubbs	Shackleton
Brown, G. E.	Iverson	Shaffer
Cushman, Mrs.	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Dell	King	Sleder
DeVries	Kirk, S.	Spitler
Doty, Dean	Knirk, B.	Stafseth
Doty, Donald	Koeze, Mrs.	Staiger
Elliott, A. G.	Martin	Sterrett
Everett	McLogan	Stevens
Farnsworth	Millard	Turner
Figy	Mosier	Upton
Finch	Plank	Van Dusen
Gadola	Powell	White
Goebel	Prettie	Wood
Gover	Pugsley	Yeager
Gust		

Nays—63

Austin	Hart, Miss	Nord
Baginski	Hatcher, Mrs.	Norris
Balcer	Heideman	Ostrow

Barthwell	Higgs	Perlich
Bentley	Hodges	Perras
Binkowski	Hood	Pollock
Bledsoe	Howes	Rajkovich
Bradley	Hutchinson	Richards, L. W.
Brown, T. S.	Jones	Romney
Buback	Kelsey	Sablich
Dade	Krolikowski	Snyder
Dehnke	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stopczynski
Douglas	Leibrand	Suzore
Downs	Leppien	Tweedie
Durst	Lesinski	Walker
Elliott, Mrs. Daisy	Liberato	Wanger
Erickson	Madar	Wilkowski
Faxon	Mahinske	Woolfenden
Follo	McCauley	Young
Garvin	Murphy	Youngblood

SECRETARY CHASE: On the adoption of the committee amendment offered by Mr. Elliott, the yeas are 64; the nays are 63.

PRESIDENT NISBET: The amendment is adopted.

MR. HODGES: Did the Chair vote?

PRESIDENT NISBET: The Chair did not vote. The Chair's button does not work; (laughter) but the Chair would vote no, which leaves it a tie.

MR. PERRAS: Mr. President, I understand that Mr. Cudlip and some of the other delegates are having a meeting downstairs. I think they should have been able to vote on this question.

PRESIDENT NISBET: The result has been announced. It is too late to change the vote now. The Chair recognizes Dr. Anspach.

MR. HODGES: Point of information, Mr. President. Am I to take it that the Chair did vote and that it was a tie and it did fail?

PRESIDENT NISBET: The Chair cannot vote after the vote was announced. I am sorry.

MR. HODGES: Then it did carry?

PRESIDENT NISBET: It carried by one vote, 64 to 63.

MR. MAHINSKE: Well, at this time I would move for a reconsideration of the vote.

PRESIDENT NISBET: A second motion to reconsider is not in order, Mr. Mahinske. The Chair recognizes Dr. Anspach.

MR. ANSPACH: Mr. President, I move the convention recess until 1:30 o'clock this afternoon.

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

We are recessed until 1:30 o'clock.

[Whereupon, at 11:35 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Radka.

MR. RADKA: Mr. President and fellow delegates, I realize that our time here is very valuable, but I would like to have you join with me in wishing our senior delegate a happy birthday. This is Judge Pugsley's seventy-fifth birthday.

[Whereupon, Mr. Pugsley received a standing ovation.]

I would like to now yield to "Bard" Turner, who has written a poem. For the source material, he is indebted to Judge Mosier, who is the former roommate of Judge Pugsley in their good, old college days.

PRESIDENT NISBET: Mr. Turner.

MR. TURNER: Mr. President, ladies and gentlemen of the convention,

There came up a squall out over the lake,
As sometimes you know it can do,
And as it moved in toward the waiting land,
The stronger its whistles blew.

It woke up a sleeping bear as it passed
And soaked him with hail and rain,
And soon gained the force as it kept to its course
Of a screaming hurricane.

A farmer had risen to do his chores;
So he hurried outside to see
What in heaven's name was coming his way
When a voice said, "Pa! It's me!"

T'was April 10 and 7 in 1885
That this old man
Forgot everything else
But this new baby bee in the hive.

He soon outgrew his triangle pants,
This fellow we now call Earl,
And he set out on foot down the road apiece
In search of a likeable girl.

He didn't go far down this country lane
That later was Paradise,
Because here was a girl with hair that would curl
And fluttering, big blue eyes.

Now she went to Ypsi Normal School
And he to the U of M.
T'was Ann Arbor by day and Ypsi by night
While he courted this beautiful gem.

He went over so often by trolley car
That the crew got to know his name,
And the clickety-clack of that old urban track
Was a song in his heart for this dame.

When some folks get married they settle up,
But Alice and Earl settled down
In the city of Hart where he practiced law,
And soon made a name of renown.

Attorney for the city, next mayor of Hart,
Then prosecutor for the county.
As the years went by he rose to fame
And circuit judge was his bounty.

For 30 years he sat on the bench
Of Michigan's counties three.
And many a night he twisted and turned
To decide what the sentence should be.

And now in this convention
His advice is sound and good.
And when he speaks we listen
Because his thoughts are understood.

He's a senior of this con con,
A member tried and true.
And now I say, Judge Pugsley,
Happy birthday to you!

(applause)

PRESIDENT NISBET: Judge Pugsley.

MR. PUGSLEY: Thank you very much, delegates. I have a little bone to pick with my former classmate, Judge Mosier, for revealing all of this secret information. Thank you all very kindly. (applause)

PRESIDENT NISBET: Incidentally, I might say that this is Delegate Richards' birthday, too, but he has not progressed far enough to deserve a poem yet, I guess. (laughter)

[Whereupon, Mr. J. B. Richards received an ovation.]

Mr. Secretary.

SECRETARY CHASE: Before lunch Mr. Iverson filed with the secretary a request to be excused from this afternoon's session so that he might attend the funeral of a relative in Ann Arbor.

PRESIDENT NISBET: Without objection he is excused. Incidentally, I might say, just before noon there were 34 people who spoke on the Elliott amendment, which is the

Nays — 71

Allen	Gadola	Millard
Andrus, Miss	Goebel	Mosier
Anspach	Gover	Nisbet
Batchelor	Gust	Nord
Beaman	Hanna, W. F.	Ostrow
Bentley	Haskill	Plank
Blandford	Hatch	Rajkovich
Brake	Heideman	Romney
Conklin, Mrs.	Higgs	Rood
Cushman, Mrs.	Howes	Rush
Dade	Hubbs	Seyferth
Danhof	Hutchinson	Shackleton
Dehnke	Judd, Mrs.	Sharpe
Dell	Karn	Staiger
DeVries	King	Stevens
Donnelly, Miss	Kirk, S.	Turner
Doty, Dean	Koeze, Mrs.	Tweedie
Doty, Donald	Kuhn	Upton
Durst	Lawrence	Van Dusen
Elliott, A. G.	Leppien	Wanger
Everett	Martin	White
Farnsworth	McCauley	Woolfenden
Figy	McGowan, Miss	Yeager
Finch	McLogan	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Madar, the yeas are 49; the nays are 71.

PRESIDENT NISBET: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Madar offers the following amendment:

1. Amend page 2, line 16, by striking out all of section f, lines 16 through 26, inclusive.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, I realize that this amendment would do just about what I hoped the other amendment would do. However, I did want to speak once more on that other amendment, but we rushed that one through quite fast. There was only one opponent that spoke against the amendment and I can realize why he spoke against it. Had I been employed for as many years —

MR. A. G. ELLIOTT: Point of order.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Speaking on a personal matter. I think he should stay with his amendment.

PRESIDENT NISBET: Mr. Madar, will you speak on your present amendment, please?

MR. MADAR: Could I also talk about whether anybody should talk on this if they have a vested interest, Mr. President?

PRESIDENT NISBET: Please speak on your own amendment; that is all.

MR. MADAR: Well, Mr. President, I don't think that there is much more for me to say except that I hope that the delegates will remember that it is their people that were asking — and I am now talking about those who voted against the last amendment — I hope they will remember that it was their people who asked that this be introduced and I know that those people hope that their delegates will think of the people's pockets.

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

MR. MADAR: Yeas and nays, Mr. President.

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

SECRETARY CHASE: Sixteen.

PRESIDENT NISBET: Not a sufficient number up. Mr. McCauley.

MR. McCAULEY: Mr. President and members of the convention, some of the remarks which Mr. Madar made I certainly cannot let go unchallenged. Representing a city and coming from a city that has owned its own light and water plant for some 30 or 40 years, we feel that the committee proposal as submitted certainly gives us much more protection than we ever had before. Prior to this constitutional convention, the constitution was silent as to what was necessary in order to sell a utility. Theoretically, the city council at any time could sell it on a simple majority vote of the city council. I think

that the proposal as coming from the committee certainly strengthens that. I disagree with Mr. Madar that we should strike it, as I disagreed with him that we needed 3/5 to sell.

PRESIDENT NISBET: The question is upon the amendment offered by Mr. Madar. All those in favor will say aye. Opposed, no.

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

MR. MADAR: I asked for the yeas and nays.

PRESIDENT NISBET: There was not sufficient number up, Mr. Madar.

MR. MADAR: Okay.

SECRETARY CHASE: Mr. William Hanna offers the following amendment:

1. Amend page 1, line 13, [section b] after "enact" by striking out "laws and"; so that the sentence will read, "Each such city and village shall have power to enact ordinances relating to its municipal concerns. . . ."

PRESIDENT NISBET: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, this is a purely technical amendment, but it is my understanding of constitutional law and municipal law that local governments — counties, cities, townships, villages, and so forth — enact ordinances and only the state, the sovereign state or the sovereign federal government, may enact laws. This was put in in 1908 when they were first writing up home rule. To my knowledge no city has ever attempted to enact a law. The enabling act in charters and under the home rule act says that they shall enact ordinances styled in a certain style and this is to correct what I think is a pure oversight in 1908 draftsmanship. I ask that you support striking out the ability of cities and villages to enact laws and leave them with what I believe is their sole power and that is to enact ordinances.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I rise also to support this amendment by Mr. Hanna. I would invite the attention of the members of the convention to the way this language reads if you leave that word "laws" in there. It would say that each city may enact laws subject to the constitution and law — enact laws subject to law. That's not clear. That's not what we mean. I think we all agree that what cities and villages do is enact ordinances and within their municipal concerns those ordinances have the force of law, but they are not laws in the sense that an act of the legislature is law.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, I think Mr. Hanna's motive is good. He wants to clear up what appears to be a technicality but I am afraid, Mr. Hanna, that there is more to this than meets the eye.

This provision was put in in the 1908 constitution so as to allow cities and villages to run their own governments and this was the phraseology that was used. Now when a city council or a village council acts, it doesn't do everything by ordinance. In fact, it doesn't prepare its budget by an ordinance. It doesn't levy its tax, year by year, by an ordinance. It doesn't sell property by an ordinance. It doesn't enter into a contract with the state on an airport by ordinance. What it does, it does these things by resolution.

Now I don't have the cases here, but I am familiar with some of them and the phrase "laws" has been used to pick up this power that a village or city council has to act by resolution because we cannot do everything by ordinance. And I think if you fool around with this, you unintentionally are taking away or maybe taking away, you see, from your villages and cities a great amount of normal power to run their own governments and there have been a couple of cases, at least, which have referred to this point.

This section has been well interpreted ever since 1917. The word then was "pass." I think that when you say "enact" you mean the same as "pass," but when you take out the "laws" and only leave the ordinances you throw a question mark, a big question mark, on the power of home rule as far as actions by the governing body which are not ordinances and that is a

great deal. So I think we ought to leave the language the same and I would oppose it.

PRESIDENT NISBET: The Chair will recognize Mr. Gover.

MR. GOVER: Mr. President and fellow delegates, on reading this over and studying this proposal, I was very confused when I read that "laws" in there as far as the villages and cities were enacting it because, in this proposal, "law" or "laws" is mentioned 8 times, 7 of them in which it should be referred to as "state law" or "general laws of the state" and once where it means that the villages or cities are enacting the laws. To any who have not studied the constitution it could be much more confusing. I recommend that this amendment be passed.

PRESIDENT NISBET: The Chair will recognize Dr. Nord.

MR. NORD: Mr. President, I would like to ask Mr. Allen a question, if I may.

PRESIDENT NISBET: Mr. Allen, do you care to answer?

MR. NORD: Mr. Allen, if the word "laws" is left in as you suggest, then would you go along with the idea of changing back the end of the sentence to make it the way it read when it came out of committee of the whole, to take care of Mr. Hutchinson's other objection, so, that it would then read, "Each such city and village shall have power to enact laws and ordinances" and so on "subject to the constitution and general laws of this state?" Would you favor that?

MR. ALLEN: You mean, Dr. Nord, to take out "laws and ordinances"?

MR. NORD: No, to leave "laws and ordinances" as is —

MR. ALLEN: Yes.

MR. NORD: — but at the end of the sentence to put back the language the way it was before style and drafting changed it, because, as it stands now, it says: to enact laws subject to law. The way it would have read otherwise would be: to enact laws subject to the constitution and general laws of this state. Don't you feel that you will either have to change one or the other?

MR. ALLEN: Well, the intent here at the end would be, whatever a city does is qualified by the constitution and general laws. That would be state action. Now style and drafting by putting in the word "law," I suppose, meets some question as to whether or not style and drafting means "general laws." I think that's what style and drafting meant.

I might ask Mr. Hanna: by "law" did you mean the same thing as "general laws"?

PRESIDENT NISBET: Mr. Hanna, do you care to answer?

MR. W. F. HANNA: Yes.

MR. ALLEN: Mr. Hanna answers yes. Therefore, I think the question is taken care of. I would leave the language, Dr. Nord, just as style and drafting has it here.

PRESIDENT NISBET: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I don't want to pursue this too long and take too much of your time, but Mr. Allen raises the point that things that cities do by resolution are law. Now this does not imply that a thing that the legislature does by joint resolution is a law in the sense that we define it in the constitution as a law requiring the passage by both houses and the signature of the governor.

It is true, Mr. Allen, that the model city constitutional provisions for home rule cities require that an ordinance be adopted for issuance of bonds or levy of taxes or adoption of the budget, but this was not followed in the Michigan enabling act because we were one of the pioneers. But lawyers in this field have learned through bitter experience that we would have been better off to have required an ordinance to enact a bond, levy a tax or adopt a budget. And the so called model city charter so provides and the model city constitutional provision so provides. But the difference between a resolution and a law is vastly different. I submit to you that all a city can enact is a resolution, if you please, or an ordinance but they have no power to enact laws. This is a misnomer and misleading to laymen and to the courts in general.

PRESIDENT NISBET: The question is upon the amendment of Mr. Hanna. Those in favor will say aye. Opposed, no. The amendment is adopted. Mr. Yeager.

MR. YEAGER: Mr. President, I don't want to take much time with this but there is something here that I want to question and I want to raise: I realize that the job of the style

and drafting committee is not to change the substance of any of the proposals that come to it and I am sure that that is not their intention, but I have noticed in one or two places on some of these second reading things that I think this may have happened and I would like to ask Mr. Elliott, if I may, just one simple question.

On section f, where they have inserted the definition of public utility under the term "furnishing light, heat and power," it would seem to me that there are other utilities and I wanted to know on what basis, since he had discussed this with style and drafting, the question of public utility was defined as only those utilities furnishing "light, heat and power." What about transportation, garbage disposal, water systems and so on?

PRESIDENT NISBET: Mr. Elliott, do you care to answer?

MR. A. G. ELLIOTT: Mr. President and Mr. Yeager, when this was originally adopted by the committee—I feel that these 3 identifications here are the ones that we were thinking about—we did not feel in committee that there had been any substantive change by the language that they have introduced here.

MR. YEAGER: Well, the point I wanted to raise was that this may be what we were thinking about but this isn't what we said. We said, "any public utility." Now you have narrowed it to including only utilities relating to "light, heat and power" and I submit that there may be other utilities that may be equally affected by this. I simply raise the point so that we may get some understanding of it.

PRESIDENT NISBET: We had better go on to the next amendment. That can be answered a little later. The next amendment, Mr. Chase?

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 1, [section a] by striking out all of lines 4 through 7; which read as follows:

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.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the first part of the section, including the language which on your printed copy has been stricken but by amendment has been reinserted, the first part of this section is the present constitution but this last sentence is new material. I oppose it because it puts the cart before the horse. It is one of these rules of inversion. Instead of giving to the state or the legislature the power to require some uniformity throughout this state in the field of taxation, you are going to put the legislature—if you keep this last sentence in here—in the position of having to outguess the local units of government and if some local unit of government can get some tax or something imposed prior to the time that the legislature writes any limitation or prohibition against it, then, apparently, it would be all right.

I think that this is very bad public policy. I think that there is a case to be made for the principle of uniformity in this state so that there won't be a complete hodgepodge of conflicting local taxation. Now I believe in local taxation, of course, but I think that experience will show in the future, if you keep this in, that it will be a mistake indeed to have such a maze of conflicting and unusual and misunderstood local taxes from one locality to another that the people of Michigan will be left in great confusion.

I think that a case can be made for the wisdom of providing a state policy enunciated by the legislature which will provide for a certain amount of uniformity here and I think that the constitution should not let any city or village pass any kind of a tax that it wants to, subject only to such limitations and prohibitions as the legislature might provide. I think that, on the contrary, that should be stricken entirely. Then the legislature will be able to assert a state policy for a certain degree of uniformity within the various parts of the state and we won't have this hodgepodge which will, I say, in the end prove a great mistake.

PRESIDENT NISBET: The question is on the amendment of Mr. Hutchinson. Those in favor will vote aye. Opposed, no.

you invite—is the cities again raiding some of these earmarked funds.

Now, I submit that this proposal is designed to correct a basic evil which many people thought existed in our old constitution, it makes stronger local government. There is a check, a regulation, that can be imposed by the state government; so there isn't any runaway on the thing. I certainly don't think that the cities can, under this, pass a graduated income tax, especially if it is prohibited as it was on first reading in the action on the finance section. And even if that were taken out, the legislature could still prevent it by simply passing such a regulation.

Now what do we want to do today? Do we want to have strong local government or don't we? Do we believe in home rule or don't we? You are going to believe in it if you vote no on this proposed amendment of Mr. Hutchinson's and leave the language as it was. And I think we ought to defeat it because this is the principle that many of the Michigan municipalities and villages worked for and in time, I think, the same thing may eventually happen to other units of government with many people. I think we are going in the wrong direction if we change this language, and I think we defeat the thing that we wanted to do here, and all of us say we want to do, and that is to have strong local home rule.

PRESIDENT NISBET: The yeas and nays have been ordered. The question is on the Hutchinson amendment. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 30

Boothby	Hubbs	Rush
Bradley	Hutchinson	Sablich
Dehnke	Kirk, S.	Shanahan
Doty, Dean	Kuhn	Sharpe
Everett	Lawrence	Snyder
Finch	Leibbrand	Stafseth
Gover	Leppien	Stevens
Hanna, W. F.	Mosier	Walker
Heideman	Plank	White
Hoxie	Powell	Wood

Nays — 95

Allen	Figy	Ostrow
Andrus, Miss	Follo	Perlich
Anspach	Gadola	Perras
Austin	Garvin	Pollock
Baginski	Goebel	Prettie
Balcer	Hannah, J. A.	Pugsley
Barthwell	Hart, Miss	Radka
Batchelor	Haskill	Rajkovich
Beaman	Hatch	Richards, J. B.
Bentley	Hatcher, Mrs.	Richards, L. W.
Binkowski	Higgs	Romney
Blandford	Hodges	Rood
Bledsoe	Hood	Seyferth
Brake	Howes	Shackleton
Brown, G. E.	Jones	Shaffer
Buback	Judd, Mrs.	Sleder
Butler, Mrs.	Karn	Spitler
Conklin, Mrs.	Kelsey	Staiger
Cushman, Mrs.	King	Stopczynski
Dade	Knirk, B.	Suzore
Danhof	Koeze, Mrs.	Thomson
Dell	Lesinski	Turner
DeVries	Madar	Tweedie
Donnelly, Miss	Mahinske	Upton
Douglas	Martin	Van Dusen
Downs	McCauley	Wanger
Durst	McLogan	Wilkowski
Elliott, A. G.	Millard	Woolfenden
Elliott, Mrs. Daisy	Murphy	Yeager
Erickson	Nisbet	Young
Farnsworth	Nord	Youngblood
Faxon	Norris	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hutchinson, the yeas are 30; the nays are 95.

PRESIDENT NISBET: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. King offers the following amendment:

1. Amend page 1, [section b] line 17, (at the end of the amendment), after "employees" by striking out "alike" and inserting "of a like occupation"; so that the language will read:

Such cities and villages shall have exclusive jurisdiction over wages and hours and administration except for general laws applicable to all persons or all public employees of a like occupation.

PRESIDENT NISBET: The Chair recognizes Mr. King.

MR. KING: Mr. President and fellow delegates, this is an amendment to the earlier offered amendment, the Elliott amendment, which passed by a vote of 64 to 63. It is an attempt to arrive at some language which would be acceptable to something more than 64 delegates. I hold no strong brief for the language. I am merely attempting to reconcile what appears to be a very severe difference of opinion. Counting the Chair's vote it would have been evenly divided: 64 to 64.

It seems to me that the policemen and firemen, especially, perhaps are entitled to some special consideration and I say that for this reason: under existing law they are not, of course, entitled to the normal collective bargaining procedures as we know them. They cannot strike. I won't say a strike is unknown in this area; I recall reading about the Boston police strike which called for martial law and the state militia to come in and take over and that there were quite a few people, policemen and others, who were killed and wounded. But in the normal sense—and I know we read about where the New York school teachers struck for a day the other week—but, normally, policemen and firemen don't go on strike and I think that we can all be happy about that.

There is certain statewide legislation which does apply. For example, for the firemen there is what is known as the 2 platoon law which provides that firemen may not be required to work more than 72 hours in one week, 24 on and 24 off. There are state pension acts, but most of these acts have to be ratified by the local communities. I am thinking, specifically, of act 345. Public act 78 deals with civil service in this area but, again, it must be ratified locally. The Hutchinson act, as I recall—and I defer to Senator Hutchinson on this—but it seems to me that states that arbitration is not binding upon the local unit of government and it also states that policemen and firemen cannot strike, along with other municipal employees. So, for these and many other reasons which have already been presented, I merely offer this as perhaps an acceptable solution. If it isn't, by all means vote it down. If it helps clarify the situation, then perhaps we should favor it.

Specifically, what I hope to accomplish by this is to allow the state to pass legislation which does affect specific classes of people by occupation; legislation which pertains to all the firemen in the state, all the policemen in the state or, perhaps, even all the school teachers in the state, although I am not as concerned about that problem as perhaps others are. You could not under this wording, as I understand it, pass a law which would apply to the firemen in one particular city or the policemen in another particular city. It would have to be uniform across the state. So I hope this won't promote extended debate. I merely offer it as a possible way of reconciling our differences.

PRESIDENT NISBET: The Chair recognizes Mr. Lawrence.

MR. LAWRENCE: Mr. President and members of the convention, for the reasons given this morning I urge you to vote in favor of this amendment. I can tell you definitely that the fire fighters are pledged not to strike.

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

MR. BUBACK: Mr. President, I urge the members here to support this amendment.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I don't think we need to go into

an extended debate. This would vitiate the action that we took this morning.

PRESIDENT NISBET: Mr. Sleder.

MR. SLEDER: Mr. President and fellow delegates, the rewording of this amendment would make the complete amendment that was adopted this morning entirely void. It would leave no meaning at all as far as local government, local control by the council or the city of its employees. Therefore, I urge that this amendment be defeated.

PRESIDENT NISBET: The question is on the amendment.

MR. FAXON: Yeas and nays.

PRESIDENT NISBET: The yeas and nays have been requested. Is that demand seconded? Sufficient number up. All those in favor of the amendment offered by Mr. King will vote aye. Those opposed will vote no.

MR. BRADLEY: Mr. President, may we have a reading of this amendment as it will now stand? Most of us don't have the language of the first one.

PRESIDENT NISBET: Mr. Chase will read the amendment.

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

[The amendment was again read by the secretary. For text, see above, page 2532.]

PRESIDENT NISBET: The vote has been ordered. Those in favor of the amendment will vote aye. Those opposed to the amendment will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. KING: Mr. President.

PRESIDENT NISBET: Mr. King.

MR. KING: I should like to request the vote of the Chair, if I may.

PRESIDENT NISBET: The Chair has already voted this time. (laughter) The button worked.

The roll was called and the delegates voted as follows:

	Yeas—65	
Andrus, Miss	Hatcher, Mrs.	Nord
Austin	Higgs	Norris
Baginski	Hodges	Ostrow
Balcer	Hood	Perlich
Barthwell	Howes	Perras
Bentley	Hoxie	Pollock
Binkowski	Hutchinson	Romney
Bradley	Jones	Rood
Buback	Kelsey	Rush
Dade	King	Shackleton
Danhof	Krolkowski	Snyder
Dehnke	Kuhn	Stevens
Dell	Lawrence	Stopczynski
Donnelly, Miss	Leibrand	Suzore
Doty, Dean	Leppien	Tweedie
Douglas	Lesinski	Walker
Downs	Madar	Wanger
Durst	Mahinske	Wilkowski
Elliott, Mrs. Daisy	McCauley	Woolfenden
Faxon	McGowan, Miss	Young
Garvin	Murphy	Youngblood
Hart, Miss	Nisbet	

	Nays—56	
Allen	Goebel	Pugsley
Anspach	Gover	Rajkovich
Batchelor	Hanna, W. F.	Richards, J. B.
Beaman	Hannah, J. A.	Richards, L. W.
Blandford	Haskill	Seyferth
Bledsoe	Hatch	Shaffer
Boothby	Hubbs	Shanahan
Brake	Judd, Mrs.	Sharpe
Brown, G. E.	Karn	Sleder
Butler, Mrs.	Kirk, S.	Spitler
Conklin, Mrs.	Knirk, B.	Stafseth
Cushman, Mrs.	Koeze, Mrs.	Staiger
Elliott, A. G.	Martin	Thomson
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	White

Figy
Finch
Gadola

Plank
Powell
Prettie

Wood
Yeager

SECRETARY CHASE: On the adoption of the amendment offered by Mr. King, the yeas are 65; the nays are 56.

PRESIDENT NISBET: The amendment is adopted. The secretary will read the next amendment. Mr. Elliott.

MR. A. G. ELLIOTT: In light of the action taken by the convention on this last amendment, I would move to strike that entire section because it no longer has any meaning.

SECRETARY CHASE: Mr. Arthur Elliott offers the following amendment:

1. Amend page 1, line 17, [section b] after "by this section," by striking out "Such cities and villages shall have exclusive jurisdiction over wages and hours and administration except for general laws applicable to all persons or all public employees of a like occupation."

PRESIDENT NISBET: Mr. Lawrence.

MR. LAWRENCE: I understood Mr. Elliott to say to strike out the entire section.

MR. A. G. ELLIOTT: No. Mr. President, Mr. Lawrence, I meant merely the amendment as offered this morning and then amended.

PRESIDENT NISBET: The question is on the amendment of Mr. Elliott to strike out—Mr. Chase, do you want to read the amendment again so there is no question?

SECRETARY CHASE: The amendment reads:

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

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

MR. SLEDER: I have a question, Mr. President. If this is voted out, this particular amendment, can it be resubmitted on third reading?

PRESIDENT NISBET: Mr. Chase?

SECRETARY CHASE: No.

PRESIDENT NISBET: Not the same language, Mr. Sleder.

MR. SLEDER: I would then recommend that this amendment be voted down.

PRESIDENT NISBET: The question is now on the amendment offered by Mr. Elliott. Those in favor will vote aye. Opposed, no.

The amendment is adopted.

DELEGATES: Division.

MR. FAXON: Yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been asked. Is the demand seconded? Sufficient number up. Those in favor of the amendment offered by Mr. Elliott will vote aye. Those opposed will vote no. Have you all voted? The convention will be in order. 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—80	
Austin	Finch	Martin
Baginski	Follo	McCauley
Balcer	Gadola	McLogan
Barthwell	Garvin	Mosier
Batchelor	Goebel	Murphy
Beaman	Gover	Nisbet
Bentley	Hanna, W. F.	Nord
Binkowski	Hannah, J. A.	Perlich
Blandford	Hart, Miss	Plank
Bledsoe	Haskill	Rajkovich
Bradley	Hatch	Sablich
Brake	Hatcher, Mrs.	Shaffer
Brown, G. E.	Heideman	Shanahan
Buback	Hodges	Snyder
Cushman, Mrs.	Hood	Stopczynski
Dade	Hubbs	Suzore
Danhof	Hutchinson	Turner
Dell	Jones	Tweedie
Douglas	Karn	Van Dusen
Downs	Kelsey	Walker

Durst	King	Wanger
Elliott, A. G.	Knirk, B.	White
Elliott, Mrs. Daisy	Krolikowski	Wilkowski
Erickson	Kuhn	Wood
Everett	Lesinski	Young
Farnsworth	Madar	Youngblood
Faxon	Mahinske	

Nays—43

Allen	Kirk, S.	Romney
Andrus, Miss	Koeze, Mrs.	Rood
Anspach	Lawrence	Rush
Boothby	Leppien	Seyferth
Butler, Mrs.	Millard	Sharpe
Conklin, Mrs.	Ostrow	Sleder
Dehnke	Perras	Spitler
Donnelly, Miss	Pollock	Stafseth
Doty, Dean	Powell	Staiger
Doty, Donald	Prettie	Stevens
Figy	Pugsley	Thomson
Higgs	Radka	Upton
Howes	Richards, J. B.	Woolfenden
Hoxie	Richards, L. W.	Yeager
Judd, Mrs.		

SECRETARY CHASE: On the amendment offered by Mr. Elliott to strike out the language at the end of line 17 on page 1, the yeas are 80; the nays are 43.

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

SECRETARY CHASE: Mr. Finch offers the following amendment:

1. Amend page 1, line 5, [section a] after "purposes," by striking out the balance of the section and inserting "as provided by law."

PRESIDENT NISBET: The Chair recognizes Mr. Finch.

MR. FINCH: Mr. President and members of the convention—

MR. A. G. ELLIOTT: Point of order. Point of order.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: It seems to me, Mr. President, that using the language here "as provided by law" and striking these other words does exactly what we have covered before by the striking of the entire last sentence as defeated just a few moments before, because what it does is, it takes away from the cities and the villages this power except as provided by law.

MR. FINCH: Mr. President, I think this clearly gives the cities and villages this power as defined by law.

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: The amendment offered by Mr. Hutchinson, which was defeated, was to strike out all of the language beginning, "Each city and village is" in line 4. The amendment by Mr. Finch is to strike out after "public purposes" in line 5, the remainder of the section and insert "as provided by law" so that the language will then read, "Each city and village is granted power to levy other taxes for public purposes as provided by law."

MR. A. G. ELLIOTT: Mr. President, may I make to that point just this comment: that with the language that Mr. Hutchinson wished to strike, the legislature did have the power to grant to the cities the power for additional levying of taxes as provided by law, and this is merely stating it in the constitution.

PRESIDENT NISBET: It is not the identical amendment. Mr. Finch, you may proceed.

MR. FINCH: Mr. President, thank you. Members of the convention, I think that this section has drawn a great deal of flak and I think this is a compromise that we can all buy and go along with. As this committee proposal stands, I can see, as they have said before, a great hodgepodge of taxes. You might have some village out here levying a tax on 6 toed men; or possibly some other village putting a tax on bankers that make over \$50,000 a year, taking all of that; or a variation of taxes of various kinds that would not be anywhere near uniform and would not be the intent of this convention whatsoever.

This section with this amendment as I have proposed it clearly spells out that cities and villages do have power to levy other taxes. It merely says that the legislature shall provide what areas they shall be in and goes along with this provision here that says that the legislature can determine, in other words, in what areas the cities shall levy taxes. In this way we have uniform taxation over the state in various cities and villages. I think this is a good compromise. This has drawn a great deal of flak, as I have said before. It is evident that this is not a satisfactory section or it wouldn't have caused so much controversy. I hope you will vote in favor of this.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, there is no use going over the same speech a second time, but in effect this is the same. If it passes, the Finch amendment is the same as the Hutchinson amendment. For the reasons I gave on the Hutchinson amendment I oppose the Finch amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Buback.

MR. BUBACK: Mr. President and members of the convention, I again urge you to defeat this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, we are learning here that there are a lot of different ways to say the same thing. You now have the Hutchinson amendment number 2 before you. I think it is time that Mr. Anspach told a story—you know the one, Charlie—we are opposed; the committee is unalterably opposed to this.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I think we have heard about all there is to say. I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is the demand seconded? Sufficient number up. The question is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails. The question is on the amendment by Mr. Finch. Those in favor will say aye. Those opposed, no.

The amendment is not adopted. The next amendment.

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend page 1, line 13, [section b] after "power to" by striking out "enact" and inserting "pass resolutions and"; so that the language will read, "Each such city and village shall have power to pass resolutions and ordinances relating to its municipal concerns"

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: The purpose of this amendment is to fill the gap that was left when Mr. Hanna's amendment passed. You recall he struck out the word "laws." Now I simply think that we run some risk here of saying that a city and village has home rule as far as passing ordinances goes, but so far as doing all the other things that a city does—such as a resolution or buying property or selling property or even the ministerial acts that are performed—we may not be giving it. I think if we simply say "resolutions and," we will make it clear that all that we have done is change the style.

Now somebody may say, technically: you can pass a resolution but you must enact an ordinance. I don't quibble if style and drafting wants to change that. But you see, unless we do this, what you are doing here is, you are taking away from your villages and cities—you may be taking away, somebody could so construe it—the power to do anything by home rule except to pass ordinances. The way the courts have interpreted the word "laws," they have interpreted it to mean the way a governmental body normally carries on its business. And it carries on its business partly by ordinances, but a lot of things are not done by ordinance and I think we clear this up and we don't violate any—we are not inconsistent with what we have done before.

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: As a sponsor of the other amendment, I see no objection to Mr. Allen's language. I reserve the right, Mr. President, to ask Mr. Elliott a question after we

dispose of all the amendments and before this whole section is passed.

PRESIDENT NISBET: The question is on the amendment by Mr. Allen. All in favor will say aye. Opposed, no.

The amendment is adopted. The question now is on the adoption of Committee Proposal 83. Mr. Hanna, do you care to be recognized?

MR. W. F. HANNA: Mr. President, as I understand our position now, we have, in section a, put back in the language so that in line 3, the words "municipal purposes" are used. In line 5 other taxes may be levied "for public purposes." Am I correct, Mr. Chase?

SECRETARY CHASE: In the committee amendment to section a — this is to which you have reference, Mr. Hanna?

MR. W. F. HANNA: Yes, sir.

SECRETARY CHASE: In line 5, after "levy" it reinserts "other" and after "purposes" strikes out "borrow money and contract debts"; so the language there reads —

MR. W. F. HANNA: Mr. Chase, it now reads "to levy other taxes for public purposes."

SECRETARY CHASE: Right.

MR. W. F. HANNA: And in line 3 we have reinstated "general property taxation for municipal purposes." Is that correct?

SECRETARY CHASE: Reinserted in lines 2 and 3, "such general laws shall limit their rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts."

MR. W. F. HANNA: Fine. Mr. President, then a question to Mr. Elliott. Mr. Elliott, in line 3 we say that you may levy a property tax for "municipal purposes." In line 5 you say that we may levy other taxes for "public purposes." May I ask you, sir, for what purposes may I levy taxes as a city, under line 5, that I cannot expend money raised by taxation of general property under line 3?

MR. A. G. ELLIOTT: Mr. President and Mr. Hanna, I have been persuaded over the several months that there is some difference here and that by the language "public purposes" in line 5 we would be given the freedom of levying taxes for those areas, for instance, where we are getting into cooperative ventures with other communities. But I would yield to Mr. Allen to give a — to either agree or to correct me if he feels that that should be in order.

PRESIDENT NISBET: Mr. Allen, do you care to make rejoinder?

MR. ALLEN: Mr. Hanna, the reason "public" was used in this second part is that at the time it was drawn it was drawn in terms of the existing section 25 of the Michigan constitution which says that no city shall have the power to "loan its credit," and then it goes on to say, "nor to assess, levy or collect any tax . . . for other than a public purpose." Now this language was deliberately left as "public purpose" because it is the same as the language is in the 1908 constitution where, instead of saying "municipal purposes" it said "public purpose" and that's why — it keeps the thing consistent — the word "public" was used.

I know that in the 1908 constitution in section 20 it talked about "municipal purposes" and in section 25 it talked about "public purpose," but in section 25 where the reference was made to "public purpose," it was definitely in terms of this "assess, levy or collect" taxes and there they used the word "public." So the committee felt it was better to be consistent and use "public" just like it was used in section 25.

MR. W. F. HANNA: Mr. President, I want to call the attention of the delegates to the difference in these 2 words. This bothered me when I saw it on first reading and it bothered me in style and drafting and it still bothers me. The usual rule of construction of a law is that you intended something different by the 2 terms.

Now, my concept of government was that a city could do individually or jointly those things dealing with a city's powers, prerogatives and rights, or the broad term of "municipal purposes." But the term "public purposes" gets over into the field of building a warehouse to entice Gerber's to store their baby food in my city, or a plant to attract industry, or many

things far and beyond the normal municipal purposes of providing streets, fire protection, police protection, heat, light, utility services, and so forth. I don't know that I am correct but, obviously, the court is now put to the point that for one purpose of taxation you have a different purpose for which you may expend the money than you have for the other taxes.

It seems to me that in all fairness, whether I raise the money by a tax against real and personal property or against incomes or the sales of tangible personal properties, the purposes for which I raise the tax as a city council should be the same and it should be either "municipal purposes" or "public purposes." I call your attention to this language so that the lawyers here who may in the future or may now be representing cities can possibly straighten out this difference in language.

My own personal feeling is that no city or village should be allowed to levy taxation except for "municipal purposes" and that in line 5, the word "public" should be stricken and the word "municipal" inserted. Yet the local government committee seems to indicate there is some difference here, but without being specific; no one has ever been able to define the exact difference.

PRESIDENT NISBET: The question is on the passage of Committee Proposal 83, as amended. Those in favor of the passage of the proposal as amended will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. SNYDER: Mr. President. Mr. President.

PRESIDENT NISBET: Mr. Snyder.

MR. SNYDER: Will I have an opportunity of explaining in writing my nay vote?

PRESIDENT NISBET: That's right.

MR. SNYDER: Thank you very much.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, I notice Mr. Hannah's light is on; was Mr. Hannah in the room?

PRESIDENT NISBET: No, the Chair thinks that is a mistake, isn't it?

MR. A. G. ELLIOTT: I think it is.

PRESIDENT NISBET: Dr. Hannah is not here.

MR. DURST: I think Dr. Hannah's book was pushed by someone talking to Miss Hart and that turned it on to "no."

PRESIDENT NISBET: Dr. Hannah's vote will be cancelled.

The roll was called and the delegates voted as follows:

Yeas—112

Allen	Hanna, W. F.	Perras
Andrus, Miss	Hart, Miss	Pollock
Anspach	Haskill	Powell
Austin	Hatch	Prettie
Baginski	Hatcher, Mrs.	Pugsley
Balcer	Heideman	Radka
Barthwell	Higgs	Rajkovich
Batchelor	Hodges	Richards, J. B.
Beaman	Hood	Richards, L. W.
Bentley	Howes	Romney
Bledsoe	Hoxie	Rood
Bradley	Hubbs	Rush
Brake	Jones	Sablich
Buback	Judd, Mrs.	Seyferth
Butler, Mrs.	Karn	Shackleton
Cushman, Mrs.	Kelsey	Shaffer
Dade	King	Shanahan
Danhof	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Spitler
DeVries	Krolikowski	Stafseth
Donnelly, Miss	Kuhn	Staiger
Doty, Donald	Lawrence	Stevens
Douglas	Leibrand	Stopczynski
Downs	Lesinski	Thomson
Durst	Madar	Turner
Elliott, A. G.	Mahinske	Tweedie
Elliott, Mrs. Daisy	Martin	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Wanger
Farnsworth	McLogan	White

Faxon	Mosier	Wilkowski
Figy	Murphy	Wood
Follo	Nisbet	Woolfenden
Gadola	Nord	Yeager
Garvin	Ostrow	Young
Goebel	Perlich	Youngblood
Gover		

Nays—5

Hutchinson	Snyder	Walker
Plank	Suzore	

SECRETARY CHASE: On the passage of Committee Proposal 83, the yeas are 112; the nays are 5.

PRESIDENT NISBET: **Committee Proposal 83**, as amended, is passed.

Following is explanation of vote submitted by Messrs. Snyder, Suzore and Walker:

In our opinion section a, as adopted, will permit a haphazard form of local taxation that will in the long run work against formulation of a tax plan required to adequately and objectively resolve the fiscal needs of the entire state. Our nay vote is confined to this section alone of Committee Proposal 83 and we are in accord with the balance of the proposal.

PRESIDENT NISBET: (continuing): **Committee Proposal 83** is referred to the committee on style and drafting.

Following is Committee Proposal 83 as amended and rereferred to the committee on style and drafting:

Sec. a. The legislature shall provide by general 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 granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. b. 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 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. c. 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. d. 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 by law, for any public purpose.

Sec. e. 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 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; 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 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 the proposition shall have been approved by 3/5 of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

MR. ANSPACH: Mr. President.

PRESIDENT NISBET: Dr. Anspach.

MR. ANSPACH: Mr. President and delegates, I rise—if I have the permission of the Chair—to respond to Mr. Farnsworth's statement a moment ago. I think the thing that he was interested in was the fact that a number of amendments were being introduced for the purpose of clarifying the proposals and that perhaps in some cases we might trust the committee on style and drafting.

The reason for that is because of the situation that came up in connection with a lady who wanted her family tree traced and employed a person to write up the family tree. After she had employed him she said, "Now there is one thing that I think you ought to know. There is Uncle Jake. We are not very proud of Uncle Jake. In fact Uncle Jake was a murderer and he was sent to Sing Sing and he was electrocuted." "Well," the man said, "we can't leave Uncle Jake out of this. We'll have to put him in, but I'll see what I can do." So when she got the family history back, it said, "And there was Uncle Jake. He was an expert in the field of electricity. He occupied a very prominent chair in a well known eastern institution and died in the harness." (laughter)

PRESIDENT NISBET: Thank you, Dr. Anspach. Judge Dehnke.

MR. DEHNKE: Mr. President, along that same line is a revised version I recently read to the effect that Socrates was a Greek who drank himself to death. (laughter)

PRESIDENT NISBET: The secretary will read Committee Proposal 84.

SECRETARY CHASE: Item 4 on the calendar, **Committee Proposal 84**, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.

Following is Committee Proposal 84 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 1048.):

Sec. a. The provisions of this constitution and [the laws of this state] LAW concerning [municipal corporations] CITIES, VILLAGES, COUNTIES AND TOWNSHIPS shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and [the laws of the state of Michigan] BY LAW shall include those [expressly granted or] fairly implied and not inconsistent with nor prohibited by this constitution.

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, the committee has no quarrel, in fact endorses the changes as made by style and drafting.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Mr. Faxon and Mr. Hutchinson offer the following amendment:

1. Amend page 1, line 3, after "favor," by striking out "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."

PRESIDENT NISBET: The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President and fellow delegates, in the first sentence we state very clearly that these powers, these provisions, are to be liberally construed. Now the second sentence attempts to write in some rules as to what liberal construction is. I suggest to you, from the standpoint of keeping consistent with the kind of language we are putting into the

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**

Sec.	Proposal
1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
10.	Attainder; ex post facto laws; impairment of contracts 15- 9
11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

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

Article III General Government

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

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

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

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

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

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

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

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

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

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

ARTICLE IV LEGISLATIVE BRANCH

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

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

Sec.	Com. Proposal
1. Executive Power—where vested	2a
2. Principal Departments (part Schedule)	71b
3. Same, Appointment	71b
4. Licensing Boards	71b
5. Advice and Consent, Definition (part Schedule)	71g
6. Appointments, Senate not in Session .	71e
7. Principal Departments, supervision of governor	71d
8. Principal Departments, offices	71c
9. Power of Removal	71g
10. Provisional Appointment	71f
11. Governor—Commander in Chief	3a
12. Same—Writs of Election	7a
13. Same—Reprieves and Pardons	16a
14. Same—Convene Legislature	8a
15. Same—Convene Legislature away from Seat	9a
16. Same—Communicate to Legislature .	4a
17. Same—Budget	46a
18. Same—Disapproval Appropriation . .	46c
19. Appropriation—No mandate to spend	46d
20. State Officers (part Schedule)	71a
21. Eligibility for Office	17a
22. State Officer Compensation	75a
23. Executive Residence	77a
24. Lieutenant Governor, duties	71b
25. Succession to Governorship	59–60a
26. Same—Salary	72a

27. Highway Commission 71h
 28. Civil Rights Commission 71A

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

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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

Sec.	Com. Proposal
1. Judicial power	90a
2. Supreme Court; justices, election, term	91a
3. Supreme Court; chief justice	91b
4. Supreme Court; jurisdiction	91c
5. Supreme Court; rules	91d
6. Supreme Court; written decisions ..	91e
7. Supreme Court, staff supervision ...	91f
8. Court of Appeals; judges, elections..	92a
9. Court of Appeals; terms	92b
10. Court of Appeals; jurisdiction	92c
11. Judicial Circuits; districts	93a
12. Circuit Courts; elections, terms	93b
13. Circuit Courts; jurisdiction	93c
14. Clerk; vacancies	93d
15. Probate Courts; jurisdiction	94a
16. Probate Courts; judges, elections ...	94b
17. Salaries; restriction	96a-1
18. Salaries; uniformity	96g
19. Courts of Record; seal	96a
20. Judge; removal from domicile	96b
21. Judges; ineligibility for other office..	96c
22. Candidacy; affidavit	96l
23. Vacancy; courts of record	96d
24. Judges; ballot designation	96e
25. Removal	96h
26. Certain offices abolished	96i
27. Prohibition; power of appointment ..	96n
28. Administrative decisions; review ...	95a
29. Conservators of peace	96o

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

Sec.	Com. Proposal
1. Counties; corporate character	81a
2. Counties; charter	89a
3. Townships in county	81b
4. County officers	81c
5. Offices at County Seat	81d
6. Sheriff, ineligibility other office, security responsibility for acts	81e
7. Board of Supervisors; representation from cities	81f
8. Board of Supervisors; powers	81g
9. Board of Supervisors; power over compensation	81h
10. Removal of County Seat	81j
11. Indebtedness; limitation	81i
12. Navigable Streams; permission to bridge or dam	81k
13. County Consolidation	81n
14. Townships; organization and consolidation	81l
15. Counties; Intervention in rate proceedings	85c
16. Highways; powers of supervisors; county or district road system; tax limitation	86a
17. Township; corporate character	82a
18. Township officers	82c
19. Public Utility Franchises	82e
20. Townships, dissolution	82d
21. Cities & Villages; incorporation	83a
22. Charters; law and ordinances	83b
23. Power to acquire and maintain parks, hospitals	83c
24. Public utilities; power to own and operate	83e
25. Elective franchise; public utilities ..	83f

1	26. Taxation for private purposes	83d
2	27. Metropolitan Areas	88a
3	28. Intrastate Cooperation	88b
4	29. Highways, streets, etc.; use by util-	
5	ities; control	85a
6	30. Franchises; limitations	85b
7	31. Highways, streets, etc.; vacation, alter-	
8	ation	86b
9	32. Local Government	57a
10	33. Local Government article liberal con-	
11	struction	84a

Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

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

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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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

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

14 Sec. 1. Amendments to this constitution may
15 be proposed in the senate or house of representa-
16 tives. Proposed amendments agreed to by two-
17 thirds of the members elected to and serving in
18 each house on a vote with the names and vote of
19 those voting entered in the respective journals
20 shall be submitted, not less than 60 days there-
21 after, to the electors at the next general election
22 or special election as the legislature shall direct.
23 If a majority of electors voting on a proposed
24 amendment approve the same, it shall become
25 part of the constitution and shall abrogate or
26 amend existing provisions of the constitution at
27 the end of 45 days after the date of the election
28 at which it was approved.

29 Sec. 2. Amendments may be proposed to this
30 constitution by petition of the registered electors
31 of this state. Every petition shall include the full
32 text of the proposed amendment, and be signed by
33 registered electors of the state equal in number to
34 at least 10 percent of the total vote cast for
35 all candidates for governor at the last preceding
36 general election at which a governor was elected.
37 Such petitions shall be filed with the person au-
38 thorized by law to receive the same at least 120
39 days before the election at which the proposed
40 amendment is to be voted upon. Any such petition
41 shall be in the form, and shall be signed and
42 circulated in such manner, as prescribed by law.
43 The person authorized by law to receive such peti-
44 tion shall upon its receipt determine, as provided
45 by law, the validity and sufficiency of the signa-
46 tures on the petition, and make an official an-
47 nouncement thereof at least 60 days prior to the
48 election at which the proposed amendment is to be
49 voted upon.

50 Any amendment proposed by such petition shall
51 be submitted, not less than 120 days after it was
52 filed, to the electors at the next general election.
53 Such proposed amendment, existing provisions of
54 the constitution which would be altered or abro-
55 gated thereby, and the question as it shall appear
56 on the ballot shall be published in full as provided
57 by law. Copies of such publication shall be posted
58 in each polling place and furnished to news media

as provided by law.

59 The ballot to be used in such election shall con-
60 tain a statement of the purpose of the proposed
amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

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.

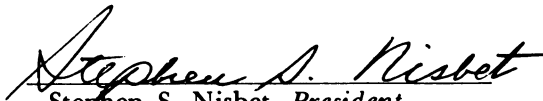
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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

of these local units has been conflicting. The section is intended in no way to approve or disapprove income taxes.

Charters; laws; ordinances.

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.*

This is a revision of Sec. 21, Article VIII, of the present constitution and reflects Michigan's successful experience with home rule. The new language is a more positive statement of municipal powers, giving home rule cities and villages full power over their own property and government, subject to this constitution and law.

Powers to acquire and maintain parks, hospitals.

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.

This is a revision of Sec. 22, Article VIII, of the present constitution. The obsolete word "almshouses" is deleted.

Public service facilities; power to own or operate.

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. *****

This is a revision of Sec. 23, Article VIII, of the present constitution. Sewage disposal is recognized as a public service facility.

New language in the second paragraph permits the legislature to increase the limitation on the sale of service facilities by a city or village outside its corporate boundaries. This is designed to prevent the duplication of plants in neighboring areas.

These words are deleted: "Provided, that the right to own and operate transportation facilities shall not extend to any city or village of less than 25,000 inhabitants." The original purpose of this clause appears to have been to prevent small cities from entering into unwise transit ventures. This prohibition seems to be unnecessary today and it prevents smaller municipalities from entering into joint transit projects with private firms or neighboring cities and villages.

Elective franchise; public utilities.

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.*

This is a revision of Sec. 25, Article VIII, of the present constitution. Language in the first sentence relating to the elective franchise has been transferred to Article II, and provisions concerning credit are now covered in another section of this Article.

The words "furnishing light, heat or power" are added to the second sentence to define the power of municipalities to acquire utilities. The three-fifths majority required for purchase of a utility is continued because such purchase implies commitment to a large investment of public funds and should not be lightly undertaken. The municipality should have sound assurance that the utility will be supported by its citizens.

New language relating to the sale of municipally-owned utilities permits approval by a majority vote. The consideration involved is not the same as for a purchase, but is largely restricted to the question of whether most voters believe sale is desirable and the sale price is satisfactory. A final clause in the present section relating to women taxpayers is obsolete and has been deleted.

Taxation for private purposes.

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.*

This is a new section which spells out the present prohibition on the use of a city's or village's credit for private purposes, but allows them to use it as authorized by law for public purposes. In conjunction with other sections of the document, it permits municipalities, with the consent of the legislature, to loan their credit in order to finance a joint public works project by general obligation bonds. This can permit a lower interest rate than for revenue or special assessment bonds.

Metropolitan areas.

Sec. 27. *Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of gov-*