

Michigan Constitutional Convention of 1961

Committee Proposal 83f

Const 1963, Art 7, § 25

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3450, 3469
First Reading	pp. 738, 1005-1007, 1035-1045, 1065-1071, 1890
Second Reading	pp. 2516, 2527-2530, 2535-2536
Draft Constitution (Art 7, § 25)	pp. 3047-3075 (p. 3064)
Third Reading, Article-by-Article	pp. 3145-3146
Draft Constitution (Art 7, § 25)	pp. 3215-3237 (p. 3229)
Third Reading, Full Constitution	pp. 3238, 3300-3301
Adopted Constitution (Art 7, § 25)	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

AUSTIN C. KNAPP
Editor
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Associate Editor

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

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

* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a ¹
I	8	II	7	15-7	IV	31	none		41	VI	18	VII	12	96g
I	9	II	8	15-8	IV	32	X	6	46b	VI	19	VII	17	96a
I	10	II	9	15-9	IV	33	V	36	53	VI	20	VII	19	96b
I	11	II	10	15-10	IV	34	V	38	70	VI	21	VII	9	96c
I	12	II	11	15-11	IV	35	V	39	113	VI	22	none		96l
I	13	II	12	15-12	IV	36	V	40	24	VI	23	VII	20	96d
I	14	II	13	15-13	IV	37	none		108	VI	24	VII	23	96e
I	15	II	14	15-14	IV	38	XVI	5	123	VI	25	IX	6	96h
I	16	II	15	15-15	IV	39	XVI	5	122	VI	26	VII	15,16, 21	96i
I	17	II	16	15-16	IV	40	XVI	11	122	VI	27	VII	6,11	96n
I	18	II	17	15-17	IV	41	V	33	27	VI	28	none		95
I	19	II	18	15-18	IV	42	VIII	30	100	VI	29	VII	18	96o
I	20	II	19	15-19	IV	43	XII	9	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	8	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	9,10	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	13	34	V	28	none		71h	VIII	5	XI	3,4,5, 7,8,16	98b
IV	15	V	14	102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

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

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Article VII: Cont'd.

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

Section 14. Organization and consolidation of townships. (Committee Proposal 81l)

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

Section 15. County intervention in public utility service and rate proceedings. (Committee Proposal 85c)

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

Section 16. Highways, bridges, culverts, airports; road tax limitation. (Committee Proposal 86a)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 17. Townships; corporate character, powers and immunities. (Committee Proposal 82a)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 18. Township officers; term, powers and duties. (Committee Proposal 82b, c)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 19. Township public utility franchises. (Committee Proposal 82e)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3339
For text, and comments in address to the people	3392

Section 20. Townships, dissolution; villages as cities. (Committee Proposal 82d)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3340
For text, and comments in address to the people	3392

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Article VII: Cont'd.

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

Section 22. Charters, resolutions, ordinances; enumeration of powers. (Committee Proposal 83b)

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

Section 23. Parks, boulevards, cemeteries, hospitals. (Committee Proposal 83c)

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

Section 24. Public service facilities. Services outside corporate limits. (Committee Proposal 83e)

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

Section 25. Public utilities; acquisition, franchises, sale. (Committee Proposal 83f)

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

Section 26. Cities and villages, loan of credit. (Committee Proposal 83d)

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

Section 27. Metropolitan governments and authorities. (Committee Proposal 88a)

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

Section 28. Governmental functions and powers; joint administration, costs and credits, transfers. Officers, eligibility. (Committee Proposal 88b)

May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3140-3146
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301

Committee Proposal 65, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

Committee Proposal 66, A proposal relative to amendment and revision. Amends section 4 of article XVII;
with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

Committee Proposal 68, A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule;
with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

Claud R. Erickson, chairman.

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

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

Committee Proposal 70, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor;
with the recommendation that it pass.

T. Jefferson Hoxie, chairman,
committee on legislative powers.
John B. Martin, chairman, committee on executive branch.

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

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

Committee Proposal 72, A proposal to provide for compensation of acting governor. Retains section 18 of article VI;
with the recommendation that it pass.

John B. Martin, chairman.

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

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

Committee Proposal 74, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20;
with the recommendation that it pass.

John B. Martin, chairman.

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

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

Committee Proposal 75, A proposal to provide for compensation of state officers. Amends article VI, section 21;
with the recommendation that it pass.

John B. Martin, chairman.

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

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

Committee Proposal 76, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

T. Jefferson Hoxie, chairman, committee on legislative powers.
John B. Martin, chairman, committee on executive branch.

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

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

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

Arthur G. Elliott, chairman.

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

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

Committee Proposal 82, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Committee Proposal 83, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Committee Proposal 84, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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.

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

MR. A. G. ELLIOTT: Mr. Chairman, I would like to yield to the subcommittee chairman on public utilities, Mr. Sleder.

CHAIRMAN DeVRIES: Delegate Elliott yields to the gentleman from Traverse City, Delegate Sleder.

MR. SLEDER: Mr. Chairman, fellow delegates, I should like to call on Mrs. Hatcher for the explanation of the section.

CHAIRMAN DeVRIES: Delegate Sleder yields to Delegate Hatcher.

MRS. HATCHER: Mr. Chairman and fellow delegates, the committee report on section e is as follows:

[The supporting reasons to sec. e were read by Mrs. Hatcher. For text, see above, page 1006.]

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

Section e is passed and the secretary will read section f.

SECRETARY CHASE: Section f.

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

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

MR. A. G. ELLIOTT: I yield to Mr. Sleder.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Sleder.

MR. SLEDER: The committee recommends:

[The supporting reasons to sec. f were read by Mr. Sleder. For text, see above, page 1006.]

CHAIRMAN DeVRIES: Are there any amendments to section f? The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, in our committee work it was the intention of our committee not to restrict the right of charter, to have other restrictions beyond those that we have included in this language, and while I have not had a committee report, I am sure it is the feeling of our committee that in line 20, after the words "public utility" we would like to insert "in violation of its charter and," and I think the secretary has that amendment, and that would then more properly interpret the desire of the committee.

CHAIRMAN DeVRIES: The secretary will read the Elliott amendment.

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

1. Amend page 3, line 20, after "utility" by inserting "in violation of its charter and"; so that the language will read "Nor shall any city or village sell any public utility in violation of its charter and unless such proposition shall have first received the affirmative vote . . ."

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

MR. MADAR: Mr. Chairman, I rise to a point of order. I believe the minority report has preference over this amendment of Mr. Elliott's. This is not a committee amendment.

CHAIRMAN DeVRIES: The Chair rules your point of order is well taken, and the secretary will read the minority report to section f.

SECRETARY CHASE: Pursuant to minority report B of Mrs. Hatcher, Messrs. Buback and Madar,

Mr. Madar — and Mr. Leibrand asks consent that his name likewise be added —

CHAIRMAN DeVRIES: It will be added without objection. I hear none.

SECRETARY CHASE: — offer 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".

Mr. McAllister has also filed a like amendment on page 3, line 22, to change "majority" to "3/5".

CHAIRMAN DeVRIES: Delegate McAllister, for what purpose does the gentleman arise?

MR. McALLISTER: I would like to add my name to the minority report amendment.

CHAIRMAN DeVRIES: Without objection, his name will be added as a cosponsor of the minority report. I hear no objection; it is so ordered. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, with the consent of Mr. Madar, I would like to add my name.

CHAIRMAN DeVRIES: Without objection, the name of Delegate Hoxie will be added as a cosponsor of the amendment. I hear no objection. It is so ordered. Mr. Madar.

MR. MADAR: Mr. Chairman, this particular section was discussed at great length. In fact, it was only by a couple of votes, one or two votes, that it did come to the floor with the change, that is, changed from the report as submitted by the subcommittee. The subcommittee voted on this unanimously, that it come out 3/5 to acquire or sell.

Now, I can't see why with the 3/5 being needed to acquire, why it shouldn't take the same amount of votes to sell the utility. For further rationale on this, I would like to yield the floor to Judge Leibrand.

CHAIRMAN DeVRIES: Delegate Madar yields to the gentleman from Bay City, Delegate Leibrand.

MR. LEIBRAND: Mr. Chairman and fellow delegates, I am very happy to support this minority amendment. I don't think that anyone in this convention can call me a radical. As a matter of fact, anyone who has followed the course of my voting, I think, would come to the conclusion that I am among the more conservative voters and delegates to this convention. But I support what Mr. Madar has said about the unfairness of the treatment of requiring a city to get a 3/5 affirmative vote in order to engage in a utility business, and then being permitted to sell it or dispose of it by only a mere majority vote.

I don't undertake at this time to speak at great length. I haven't done so in the convention, and I don't propose to do so in the future. Neither do I propose at this time to enter into the relative merits of public power as opposed to private power. I have my own opinion, but I don't think that enters into this at all. I think we are simply discussing here a good business transaction, good business practices.

Now, I don't know how many of these public utilities are operated by the municipalities in the state of Michigan. I am not an expert on the subject. I have been told, however, that there are quite a number. I do know that the steam and the power which alternately roasts us and freezes us in this convention hall are both provided by a municipal utility of the city of Lansing, and I don't blame the utilities for that. I think Consumers' electricity would do just as good or poor a job, whatever you may say.

But I do know that when we are talking about these municipal utilities, we are not talking about peanuts. I have been informed that the light and steam plant of the city of Lansing is conservatively valued at \$100 million, which is many times greater than all the rest of the municipal property of the city of Lansing combined. I have been advised that this one utility unit is worth more than 3 times as much as the Oldsmobile and Fisher Body plants here in Lansing belonging to General Motors.

Now, the other plants in the state of Michigan, municipal plants, are not as large, but they are important to their smaller communities. And I do not think that any transaction of this kind, of this magnitude, involving up to \$100 million in the city of Lansing should be subject to disposal at the whim of only a majority of the voters.

Now, it is not uncommon to give protection where large sums of money or large sums of property are concerned. It is not uncommon to give special protection. As we are aware, the banking laws of the state of Michigan require, I believe, a 2/3 majority to change, to induce debility in the financial structure.

The corporation laws, I won't go into detail on those, but they require 3/5 or 2/3 or 3/4, as the case may be, to dissolve

a corporation or to sell or dispose of all or a very substantial part of its property.

Now, to say a 3/5 majority of the voters is needed before the voters can acquire a plant, but to permit it to be sold on a bare majority, even at a special election, seems to me is darn poor business. On the one hand, when you buy, you are involving a \$100 million transaction here in the city of Lansing; when you sell that plant, you are equally involved in a \$100 million transaction in the city of Lansing. Now, we don't feel we are asking for anything unfair in this minority amendment. All we ask is to be put on the same status. If you want to make it a majority for acquisition, you can make it a majority for disposal. But if you are going to make it 3/5 for acquisition, we feel it is only fair that 3/5 be required for disposal.

It is my pleasure at this time to yield to the gentleman from St. Louis, Delegate Hoxie.

CHAIRMAN DeVRIES: Mr. Hoxie.

MR. HOXIE: Thank you, Judge. I rise to appeal to the fairness of this delegation. I believe it is very inconsistent to require a 3/5 majority to purchase a public utility and only require a simple majority to sell it. I am vitally interested in this because we happen to have an electric light plant in the city of St. Louis. It has been in existence since 1901; owned by the city. Although I do not subscribe to the theory that government should necessarily engage in business, many of the cities that have their own utilities were, in the first instance, forced to go into the utility business to secure the services that those little communities needed.

Why do I say that it is unfair to require 3/5 to purchase and a simple majority to sell? We have a friendly neighbor in the same field in the adjoining community. When you get into a campaign in a little community like St. Louis, with a sell out program sponsored by your competition, I still believe that in fairness to those people of the city of St. Louis, and all the other communities, the same rule should apply. We know that campaigns can be put on to dispose of a profitable operation, which it is in St. Louis—a very profitable operation. It helps us materially in our city government, and back during the depression years the municipal plant of St. Louis, because people were unable to pay taxes, materially helped to carry on our government in St. Louis. I think that is probably true in many localities where they do have their light plants. I certainly urge this delegation to support the principle of fairness, to support the Madar amendment.

At this time I would like to yield to Mr. Lundgren.

CHAIRMAN DeVRIES: Delegate Hoxie yields to the gentleman from Menominee, Delegate Lundgren.

MR. LUNDGREN: Mr. Chairman, I too rise in support of the minority amendment. I believe it has been pretty well stated here if you are going to have one fraction or percentage of people voting for acquiring a municipal plant, or whatever it may be, you certainly should provide, on the other hand, for the ability to sell it on the same basis that you acquired it. It would just make common sense.

But it is interesting to me you find that nowhere within the comments of the citizens research council or even of the committee reports the statement of any reason why you shouldn't have the same power to sell as you have to acquire. So I think it makes common sense that we insert the proper language, which would be that the number of people acquiring such a plant should be the same as the number of people selling a plant.

I do say that this has nothing to do in the private power fight or the public power fight, because I don't think that enters into this. As with the people that have testified and those that will testify later, we are on both sides of the fence on this particular thing, but we don't believe it belongs in this particular article. We just want to make the record consistent that if we buy at 75 per cent or 3/4, we are going to sell at the same price.

These plants are not acquired easily, and when you go to a ratio of 3/4, it takes an awful lot of people and an awful lot of fighting to acquire a utility. But by the same token, I would not like to see this hard fight bartered away by a simple majority.

Therefore, I rise to support the minority amendment, and I also yield at this time to Tom McAllister.

CHAIRMAN DeVRIES: The gentleman from Menominee yields to the gentleman from Bad Axe, Delegate McAllister. The Chair will inform those delegates seeking recognition that there are 6 people waiting for recognition.

MR. McALLISTER: Mr. Chairman, fellow delegates, we have a municipal power plant in my locality, in the village of Sebewaing. I might say before I go further that I have a considerable amount of utility stocks, so I may be speaking against my own interest. I think the subject matter here has pretty well been covered by the previous speakers, but it does seem to me that if there is a sale of a power plant, it should be held at a regular election so the greatest number of people in the community will be present, and it should be by a similar vote to that required to obtain a public utility. I might add further that I have been contacted by numerous municipalities and the Michigan municipal utilities association, and all of these communities are unanimously in favor of a 3/4 vote to sell a public utility, and therefore I support the Madar amendment. I had one of my own which I have withdrawn.

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

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, I am going to take a very, apparently, unpopular position here and support the committee's report. I take exception to what Judge Leibrand said when he talked about a majority of the voters' whim with regard to selling a utility. I would recall that I suppose most of us are here, or all of us are here, by a bare majority of the voters' whim, and I suppose in that case this is not a majority of the voters' whim but deep seated judgment and careful thought.

I would like to leave one thought with you in this regard. What we are trying to do here is work out some basis on which a community can handle its own affairs in this particular category effectively. It seems to me that the inability to sell a utility is a greater hazard than the inability to buy a utility. Thank you.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Port Huron, Delegate Tweedie. Judge Pugsley, you are fourth on the list.

MR. TWEEDIE: Mr. Chairman and members of the committee, the subcommittee on cities also spent considerable time on this article. I think we had secondary jurisdiction over it. We felt that 3/4 certainly was not too much of a majority in order to acquire a public utility due to the fact that it involves a large investment by the city and the citizens of the city in getting such a thing, and certainly it should be more than a bare majority in order to spend this amount of money.

However, as years go by, in many cities the equipment becomes obsolete, and it becomes more expensive to run than a private utility could run it, and we felt that 1/2 was a fair amount. We certainly did not subscribe to the way it is now in many cities where the city council alone can sell a utility. We felt there should be some restriction upon it, and we thought 50 per cent was a very fair price because of the 2 groups that you have which want to keep the utility, even though it is expensive and obsolete. There is the one group who has a vested interest in it—either they work for it or have some other direct or indirect interest in it, and they can easily get their friends and neighbors and relatives to support their vote against selling the utility, even though it would be for their own good. And then we have the second interest, the citizens who have a personal pride in this thing because, well, it is their baby, it started there, and they feel they should keep it even though it is more expensive and out of date. So you have those 2 groups, and between the 2 of them they can easily get a 40 per cent vote, and that would be enough to defeat a 3/4 requirement in the constitution.

We support the committee report wholeheartedly, and we think that 1/2 should be the required amount. A majority should rule in this case to stop those who, even though it is for the good of the community, want to keep it there.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Escanaba, Delegate Follo.

MR. FOLLO: Mr. Chairman, delegates, I just want to give you this information: that the councils of 3 cities, the representatives of the people of Escanaba, Gladstone and Marquette have all communicated with me that they would like to see the $\frac{3}{8}$ figure restored in the committee report. As a member of the minority who voted against this report, I would urge you to support the Madar amendment.

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

MR. FARNSWORTH: Mr. Secretary, would you take that stopwatch out? I want only 4 minutes.

CHAIRMAN DeVRIES: The secretary will so do.

MR. FARNSWORTH: Mr. Chairman and members of the committee, Judge Leibrand, of course, mentioned good business, and I think that is the point I would like to address myself to for the next few minutes.

You have noticed probably that the minute you talk about some certain things in the convention it causes a lot of emotion. Now, those same things happen in any given community when they are talked about. It so happens that utilities is one of them. Utilities always stir up a great deal of emotion. I have seen an election establishing a utility where the emotions ran so high that tires were literally cut off from automobiles. Things that just don't normally happen. People really lose all sense of proportion.

Now, let's just take this matter of good business for a minute and inject it into this sort of an emotional atmosphere. Good business would dictate, individually or collectively, that you take a lot of precautions before you lay your investment on the line and enter into a business. Now, that is just as true for me, and I remember well when I went into business how carefully I considered it, how many weeks and months I considered it, how my relatives cautioned me against it, and all that sort of thing. You just stop and think a long time before you lay that investment on the line and take those risks, and now we talk about fairness. That is why we say to any community that you must have a 60 per cent vote before you take that risk. You must sit down and carefully think the thing over, and then if 60 per cent of you agree that it is a good sound proposition, you go into it.

All right. Now we get into the thing, and it is profitable, as my light plant happens to be, and we have no thought of selling it. It is profitable. But now the time comes when that utility becomes unprofitable, and it loses money, and so we tax the general public to subsidize it, and the city commission, or whatever the governing body is, knows that it is good business to sell that plant and get out of the business, because they can just no longer make a profit on it. I say to you that if you have a $\frac{3}{8}$ requirement in order to sell it, that you literally have burned your bridges behind you, because invariably in this emotional atmosphere that you must hold this election in, you just can't possibly secure a 60 per cent vote.

So it is not only fair that you establish $\frac{3}{8}$ on entering and only a majority on getting out of the business, but it likewise is just good business that you set that up.

CHAIRMAN DeVRIES: The secretary reports you met your request for 4 minutes, Mr. Farnsworth. Congratulations. The Chair recognizes the gentleman from Hart, Delegate Pugsley.

MR. PUGSLEY: Mr. Chairman and members of the committee, I hold in my hand a resolution which I just received from my home city of Hart. Many years ago, in the '20s, the city of Hart acquired a public utility known as the Hart Hydroelectric. It has operated since that time with the hydroelectric power and also supplemented by diesel engines. The city council has forwarded this resolution to me with instructions that I bring before this convention their idea that the sale should not be made without the affirmative vote of $\frac{3}{8}$ of the people. It is in recognition of this message from the homeland that I present the content of this resolution without further comment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Jackson, Delegate Karn.

MR. KARN: Mr. Chairman, members of the committee, needless to say, I didn't rise to support Mr. Madar's amendment or to ask for my name to be added to it. It is quite

obvious that there has been quite a bit of campaigning going on around the state. It is quite evident, and I suppose it is in order, when you get to a subject that is as volatile as a public utility business. It seems to be attracting a great deal of attention always.

I think that it may be in order — I hope a lot of my friends get back in here. With the exception of 3 of you who have talked, I seem to be in the minority here. I hope some of my friends, if I have any left, might come back to just touch upon some of the things that have happened.

In 1908, when the constitution was drafted, they required a $\frac{3}{8}$ vote of the people before a municipality could engage in the utility business. Of course, that was, as I understand it, an effort to protect the people at that time from an expenditure — protect them from making an expenditure that might not prove advantageous. There was no vote required in the 1908 convention for the sale of a plant. At that time, of course, the electric utility was comparatively young.

The principles of requiring a vote for the purchase of a plant and requiring a vote for the sale of a plant are entirely different. As a rule, utility plants owned by municipalities are not for sale until they have been worn out, depreciated and noneconomical, and it does seem that the citizens of a community, when they get to the point that it is no longer economical to operate a plant, should have the right to sell it, and the right of a reasonable vote where it can be done.

In 1909 the legislature imposed a requirement of a $\frac{3}{8}$ vote for the sale of a municipal property. That was removed in 1923. In 1949, as a matter of fact, the cities were granted authority, under the home rule act, to sell any municipal property without a vote of the people, with the exception of parks and cemeteries, and even parks were permitted to be sold without a vote of the people unless they were a definite part of the community planning.

Now, it seems to me that the action of the state legislature in recent years has indicated that a majority vote of the people is adequate. For years, except where a provision was included in a charter, municipalities have been able to sell any municipal property without a vote.

Let me say this: my good friend and delegate from Bay City mentioned the Lansing municipal plant, and it is a good plant, and it is well operated, and Karl says they have over \$100 million invested in it, and I think that is probably a low figure, but they are not contributing to the tax burden in Lansing as is Oldsmobile that he mentioned, because municipal plants do not pay federal taxes, and many of them pay very little local tax. However, some of them are making contributions to the cities for various purposes which is an offset to that.

The company that I was with for all my lifetime, all my working lifetime, in 1960 paid over \$40 million in taxes, which certainly was a great contribution to the people in the state of Michigan and to the people in the United States, as far as that is concerned, through the payment of federal taxes.

But this is an emotional thing, and it is obvious that quite a bit of attention has been given to this item as a result of the telegrams and the letters that have been received from some of these folks.

If you impose a $\frac{3}{8}$ vote on the sale of a plant, I think it goes without saying that the plant would not be sold even though a majority of the people would be very much in favor of it; even though they are not making money — and many of the small ones are not. I think you can realize that even though they are not paying taxes, that with the improvement that has been made in the generation and distribution of electrical energy through the increase in the size of the units, increase of the pressures and the temperatures, a small plant, especially an obsolete plant, cannot compete with it.

So that the people, if they want to sell, and they do — I know Consumers Power company, through a vote of the people, just recently acquired a plant in Grayling, and that in spite of some very definite opposition of the people who were living in other parts of the state who came there to help in trying to prevent this, but that is going on. A plant north of Cadillac, at Manton, was in trouble, and they decided to sell. So it is going on. But if you retain the $\frac{3}{8}$ vote, that means

you are saying to the people that from now on they cannot sell a municipal electric plant even though it is no longer efficient and it is no longer in a position that they would like to have it operate.

I think that perhaps as far as I am concerned — I had nothing to do with the $\frac{2}{3}$ vote on the purchase of a plant. I have had nothing to do — as a matter of fact, I haven't even talked with members of the committee about this. I would have no objection, and my friends here who have talked, most of them have said the vote should be the same in each case. I would have no objection to having a majority of the vote in each instance, the purchase of a plant or the sale of a plant.

I think the thing that the committee did was to follow the 1908 constitution in including the $\frac{2}{3}$ vote, with the thought in mind that it is leading up to a great expenditure of funds and a greater majority of people than half should be entitled to vote on it or to adopt it. But I would have no objection if the committee wanted to change that to a majority vote in each case.

Another thing. Mr. Madar's amendment does away with the privilege of a special election. Well, all that does is to put up a delaying action again. If a municipality desires to sell, and the majority of the people apparently are for it, you might have to wait a year, a year and $\frac{1}{2}$ or 2 years for a regular election. That does not seem fair and reasonable. If the utility is willing to pay for an election, the cost of an election, the people in the town are desirous of selling, I don't believe that it is quite fair and reasonable to have a restriction that in a small community — and these are small communities that we are talking about — a special election could not be called.

Mr. Chairman, I rise to oppose the Madar amendment, and I hope that the committee's proposal may prevail.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Pontiac, Delegate King.

MR. KING: Mr. Chairman, ladies and gentlemen of the delegation, I will try to confine my remarks to about a minute. Judge Leibrand states that his record here is one of conservatism. I don't know what my record is. Sometimes I think I am being conservative when I uphold the rights of the individual, but maybe I am not.

Two days ago we celebrated Lincoln's birthday, and I should like to paraphrase a quote that he once made. The government should do for the people those things which the people cannot or cannot as well do for themselves. Now, at the time many of these plants were formed the government had to step in and do these things. Today, in my opinion, many of these utilities are competing with private, legitimate private enterprise, and they should get out of this business.

Personally, if I had a business I could get out of that business if I wanted to, perhaps by going into bankruptcy; I might be forced out of business. Perhaps 3 of my creditors could force me out of business by putting me into involuntary bankruptcy. But I would just like to say for the record that I support any proposal which makes it more difficult for municipalities to compete, improperly in my opinion, with private enterprise, and I support any proposal which would make it easier for them to get out of this unbecoming position.

I support the committee report.

CHAIRMAN DeVRIES: The question before the committee is the amendment to section f offered by Delegates Hatcher, Buback, et al. The Chair recognizes the gentleman from Muskegon, Delegate Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, I think I should take a couple of moments to explain my particular position on this matter. Mr. Karn has stated there are some items you are not aware of at a particular time that cause great emotional upheaval back home. I reside now in the city of Muskegon, which is served most adequately by one of the largest steam generating plants operated by the company which Mr. Karn served for so many years.

I have a second county in my district which might be known as a conservative county, but if Mr. Hoxie has one plant and Mr. Leibrand has one plant, then the county of Ottawa is unique in that while there are 5 cities in this county of Ottawa, 3 of them have municipally owned light plants, and I, too,

received a good many telegrams, wires and resolutions and phone calls on this particular matter.

At the outset I felt that the proposal as proposed by the majority of the committee would take precedence over certain of the charters of the various cities which might have set forth a higher and a more stringent requirement for the sale of public utilities.

This morning Mr. Elliott attempted to offer, but has not as yet, and I assume he will offer it at the proper time, an amendment which would prohibit the sale of any particular power plant in violation of the charter.

I submit that if the various charters allow the sale by reason of the decision of only the governing body, be it the city commission or the council, or whatever you would call it, then what the majority of the committee has proposed is a greater safeguard than the people had prior thereto. Because at least now they can get a vote by a majority of the people where formerly it could be sold simply by vote of the legislative body.

On the other hand, I think that we should at this time, and I am so stating that I will, vote against the present amendment on the assumption that the amendment by Mr. Elliott which was ruled out of order will be renewed, but I wish to state that if that amendment is not adopted, or should it fail, then I think that the $\frac{2}{3}$ should be returned. But I submit that to freeze in $\frac{2}{3}$ requirement to sell is a violation of something that we have all decided we want, and that is home rule.

Now the committee has seen fit to state that at least a majority of the people should vote on it. I will support the proposition that if the charter said $\frac{2}{3}$ or 75 or 80 per cent, this we ought to leave to the charter.

I have made contact with the board of public works in the city of Holland and also in the city of Zeeland, who both own municipal power plants, and I think fairly good plants — at least in 2 of the cities — and they are most agreeable to this particular type of amendment. Their main concern was that the adoption of the original majority proposal would vitiate the requirements of their charters, which do provide that they cannot be sold unless there be a vote of 60 per cent of the people. I think this is fair. I think to do otherwise would limit rather than expand home rule.

I submit that the gentlemen who want the $\frac{2}{3}$, if they do not have the requirement in their charters, perhaps they should check and see if there is a requirement in their charters. If they do not have it, then the remedy lies in getting their charters amended rather than freezing it into the constitution.

The cities of Holland and Grand Haven have a good many millions of dollars invested in this, and they have taken steps to protect their investment.

I therefore state that I shall at this time oppose the minority amendment, that I shall support the Elliott amendment which was ruled out of order at this time.

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

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, I wonder if I might have your attention just a moment. It seems to me we had better get into focus. We are writing a constitution, and we are not trying to legislate the future of any community or anything of that type. Now let's see what the committee did here. The committee, in its wisdom, was desirous of making sure that the people of these communities who have municipally owned power plants have something to say about their sale. In the testimony that was given pro and con on the matter of public utilities, it came to our attention that there are charters throughout the state which do not require this particular provision. Therefore, it was, in our wisdom, a wise thing to include in the constitutional language that we now have before you some language which would give to these people, the community, the inalienable right to vote.

Now, the discussion that you have had here is a discussion predicated upon the principle that if it takes so much to buy, it should take so much to sell. But some of the speakers before me have made this perfectly clear, that there is no restriction, if you defeat the minority report amendment and adopt the committee report with the amendment as suggested this morning, upon the communities involved to establish as rigid re-

quirements for sale as they so desire in their charter. This is within their province, and I would read to you something that was recited in the Address to the People in the 1908 constitution.

The transfer of the powers of legislation from the state legislature to the people in municipalities, or their representatives, necessitated the imposition of certain checks and prohibitions designed to secure conservative action on the part of those to become responsible for the future conduct of such affairs. Whereas these checks and prohibitions have formerly been in the hands of the common councils relating to franchises and the acquiring of public utilities, they are now made subject to the vote of $\frac{3}{5}$ of the electors of the municipalities.

We in the committee believe that in our proposal, as amended — which has not yet been given consideration by this group — that we are continuing the philosophy that is desired. We feel strongly that you are setting up restrictions in your constitution which will prevent any community from setting any lower restrictions, and that they are unnecessary.

As I have said before, the charter can make any requirement that is desired, but we have seen the need to give a guarantee to the people of the right of election or the right of selection by vote, and have required this majority vote to sell. We feel that it is adequate, and I would urge you, as chairman of the committee, to defeat the minority amendment, with the full recognition that I would urge you then to adopt the other amendment as presented and then adopt the majority report, which would strengthen the 1962 constitution in this regard, granting inalienable rights to the people to have something to say in the disposal of a publicly owned utility, even though the charter might not have any language on this subject.

CHAIRMAN DeVRIES: Does the gentleman from Negaunee, Delegate Richards, seek recognition on the amendment?

MR. L. W. RICHARDS: Mr. Chairman, fellow delegates, I rise, taking a very precarious position here, in open opposition to our chairman of local government. I would like to make one correction. The only time I voiced my opinion it was not under an emotional strain of any kind. It was due to the fact that it was the first time I recognized it was in the constitution, and when we studied it in our subcommittee — and I did take the position of one individual opposing it, asking for the $\frac{3}{5}$ majority, and definitely it was no emotional setup with me. At that time I analyzed it; if it was good for buying it, it would be good for selling it.

In regard to my good friend and delegate, Mr. Farnsworth, I believe, Jim, as you sat and analyzed and decided whether or not you would go into business, I believe any local governing body would sit and analyze this in the same manner before purchasing, and it would do the same in selling it; and I honestly believe the group that would make that decision would be the commissioners or council, and they would lead in either making the decision to buy or dispose.

It seems a lot of people are greatly disturbed over the fact of requiring this $\frac{3}{5}$ majority in selling. I would not be disturbed. I realize our people in the U.P. — and I am sure the good friends that I have met in the lower peninsula have as good a judgment as we have in the U.P., that I have met in this delegation, and any time that the U.P. people found that they had an inoperative plant that was not paying, they could very easily get $\frac{3}{5}$ majority of the people to dispose of it.

I, too, like the good judge on my left, have had a communication from our people in Marquette asking to retain the $\frac{3}{5}$ or have the $\frac{3}{5}$ placed in the constitution. That arrived a long time after I made my decision.

I believe, folks, that we should support the Madar amendment. I believe it is good and I don't think we would have any difficulty in acquiring the $\frac{3}{5}$ vote as soon as Jim — as they say, they put it on the tax rolls and support it, and when the people realize that, I think they would get the $\frac{3}{5}$ very fast.

CHAIRMAN DeVRIES: Does the gentleman from Traverse City, Delegate Sleder, seek recognition on the amendment?

MR. SLEDER: I should like to speak very briefly. In my opening remarks yesterday on public utilities I tried to point out the fact that we are prone sometimes in the present day

to think of only one utility, and when we speak of public utilities we must speak of the whole field of public utilities, such as transportation, water, sewage disposal, gas, and all these areas where they are publicly owned. And, of course, this amendment applies to all public utilities that are operated by a municipality. This I think we as delegates should keep in mind not for today but for the next 50 or 60 years relative to these utilities that may be coming into being as a profitable organization or enterprise.

I would also like to explain the committee work relative to the public utility subcommittee, and the same discussion prevailed there, and differences of opinions, and to express this our public utility subcommittee recommended to the committee on local government that the $\frac{3}{5}$ factor be included in this provision. However, as explained by Delegate Tweedie, the city subcommittee had secondary jurisdiction on this, and recommended the majority.

This took considerable discussion in the committee. The committee as a whole decided on the majority factor. At the second reading of this provision in the committee, the $\frac{3}{5}$ amendment was proposed and it was defeated.

So you can see, here we have differences of opinion. I think we can talk here until 5:00 o'clock this afternoon and we are certainly going to continue to have those differences of opinion. I think we each possibly should by now have heard all the discussion on the pros and cons of both of these issues, and I think that we should be about ready to vote on the issue, and I would like to prevail upon those speakers who are to follow, if they would confine their remarks, as much as possible, to the amendment and to factors that have not been discussed so we can bring this to a vote.

CHAIRMAN DeVRIES: The committee will come to order. Does the gentleman from Saginaw, Delegate Leppien, still seek recognition on the amendment?

MR. LEPPHEN: Mr. Chairman, fellow delegates, my remarks will be very brief. I speak against the minority report amendment for just one reason. We are taking away from the cities and villages the right to determine the sale of a utility that they might own, and let me just point out one thing. Aren't we hurting the tourist business of the state of Michigan by this? This is a field maybe we haven't looked at.

We have adopted a committee proposal, at least in part, to allow the cities to sell 25 per cent of their output. This may cover lake areas, resort areas and such, if you please, as was the case in a community where I have extremely good knowledge. If we had had to depend on the vote of the people by a $\frac{3}{5}$ majority to sell, it might have been very difficult, when everybody involved, the resort people, the people of the city, as well as the leadership represented by the council, were very desirous of disposing of this because of its poor operating condition.

I urge you to defeat the $\frac{3}{5}$ amendment as being written into this constitution.

CHAIRMAN DeVRIES: Does the gentleman from Morenci, Delegate Figy, still seek recognition on the amendment?

MR. FIGY: I certainly do. Mr. Chairman, fellow delegates, you will notice up to now I have only used a very small part of my 17,000 words. I think I've got to start in pretty soon if I'm going to get my quota in. You will remember, too, that the proposal requiring the vote of the people to sell a utility plant carried my name along with some others. This was discussed very carefully in the committee. It took a lot of time on it. I think the committee report is a compromise, because prior to this time the present constitution does not require a vote of the people. So our committee report is a compromise. For that reason, I will oppose the amendment and vote in favor of the committee report.

CHAIRMAN DeVRIES: Does the gentleman from Saginaw, Delegate Shackleton, still seek recognition on the amendment?

MR. SHACKLETON: Mr. Chairman and delegates, our form of government can only survive if we have strong competitive, individual initiative in our profit sharing system. We have seen around the world too many times where that has been destroyed, the forms of government have been destroyed

with it. We should make it easier to get government out of business rather than keeping them in or getting them in.

One other factor: that some of these utilities, particularly smaller public utilities, may very well become seriously involved in the next few years in the development of atomic energy, which might make their plants so obsolete they couldn't even give them away.

I certainly oppose the amendment.

CHAIRMAN DeVRIES: Does the gentleman from Bad Axe, Delegate McAllister, still seek recognition on the amendment?

MR. McALLISTER: Mr. Chairman, fellow delegates, I will be very brief. It appears from what we have heard here that the people of Michigan want this 3/5 in there to sell a power plant. Aren't we here to represent the people?

I also say that as a matter of good public relations I don't believe any public utility should want to buy a plant unless they have a decided majority. I want to say further that, talking about indebtedness, in regard to a city power plant or a municipal power plant, sometimes they operate at a loss, but they don't take into consideration when that loss is sustained that they are receiving tremendous services for which they would have to pay if it was a private utility.

I have had some experience along this line, and in our town we sold the power plant, and what we received for it from the utility company was that they blew the whistle 3 times a day. They are still doing it. In the first year after they acquired the power plant, if we had taken into consideration what it would cost to pay for our street lights and city services we would have operated at a loss during the period before it was sold to the public utility.

As I have said before, I own public utility stock, but the people have spoken overwhelmingly to the effect that they want this provision in the constitution, and I think we should regard the rights of the people when they have spoken unanimously in this way.

CHAIRMAN DeVRIES: The question before the committee is the amendment to section f offered by Delegates Hatcher, Buback, Madar, et al. The Chair recognizes the gentleman from Port Huron, Delegate Tweedie.

MR. TWEEDIE: Mr. Chairman, all we tried to do in the committee was put a bottom limit of 50 per cent on this. If Mr. McAllister or Mr. Leibrand want a higher limit than that, they should go along with this, and when Mr. Elliott presents his amendment saying the city charter prevails, then they should all go to their respective communities and work for a 4/5 majority to sell or a 100 per cent majority to sell. But why should we restrict those cities who only want 50 per cent? I don't feel there is any argument here at all, or there shouldn't be.

CHAIRMAN DeVRIES: The Chair recognizes one of the sponsors of the amendment, the gentlemen from Detroit, Delegate Madar.

MR. MADAR: Mr. Chairman, I am not going to take long because I want to get this to a vote. I see that Mr. Elliott is all ready to pull his little stunt of moving to rise so that he gets a little better chance to talk to a few more delegates. All I want to say is that, frankly, I have no vested interest in this, and I have no stock either. All I want is legislation or, rather, I want a constitution that is not discriminatory. Why should we go ahead and put in an amendment which would take care of those who have this in their charter, the 3/5 in their charter, and not take care of those who haven't? Certainly this would be discriminatory. I feel that all we want to do is be fair. We are not hurting the utilities a bit. About the only thing we would be doing otherwise is giving a large utility a right and an easy way to take over some other cities' municipal public utility.

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

MR. GOEBEL: Mr. Chairman, since I originally asked for recognition, Delegates Farnsworth and Karn have very nicely expressed my feeling on this matter and have done a good job. We have had a situation in my home town where we had an electric generating plant, and eventually we were very, very happy to make a deal to get rid of it with advantage to the tax-

payer. I will not repeat any of the remarks these 2 gentlemen made previous to me, other than to say that I think the minority report amendment should be defeated and the committee report approved. Thank you.

CHAIRMAN DeVRIES: Does the gentleman from Bay City, Delegate Leibrand, seek recognition on the amendment?

MR. LEIBRAND: Mr. Chairman, may I direct an inquiry to the chairman of the committee on local government?

CHAIRMAN DeVRIES: You may if he cares to answer.

MR. LEIBRAND: Delegate Elliott, I wish to inquire about your proposed amendment that would permit charters to prevail. Would your amendment permit a city under such a charter provision to buy a plant at 50 per cent? Or is your proposed amendment just going to apply to the selling?

CHAIRMAN DeVRIES: The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: It applies to the selling.

MR. LEIBRAND: Not to the buying?

MR. A. G. ELLIOTT: It only corrects the language that we had added, which had not been in the constitution before, Judge, to clear up a mistake in drafting.

CHAIRMAN DeVRIES: Now the question before the committee is the amendment to section f offered by Delegates Hatcher, Madar, Buback, et al. The delegate from Pontiac, Delegate Kuhn.

MR. KUHN: I would just like to ask a question or make a statement. It seems like Mr. Madar has confused me. I understood what Dan Karn said, and I thought I agreed with him 100 per cent, and I still think I do. But Mr. Madar says if we do not put in the 3/5 to sell, we are going to discriminate. We have a 3/5 to buy, but not a 3/5 to sell. That object I cannot follow. It seems to me if we put in a 3/5 vote to sell, which is not in the constitution today, we are then going to discriminate against the taxpayers in each community because of the fact that the employees and their families and friends in those communities might be fearful that they would lose their jobs and would tend to vote against it, and therefore you would be voting against the taxpayers' interest in not allowing them to sell a non-profitable government function.

CHAIRMAN DeVRIES: The question before the committee is the minority report amendment to sec. f, which the secretary will read.

SECRETARY CHASE: The amendment as now offered by Delegates Madar, Buback, Hatcher, Hoxie, Leibrand and McAllister is as follows:

[The amendment was again read by the secretary. For text, see above, page 1035.]

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 not adopted.

DELEGATES: Division.

CHAIRMAN DeVRIES: A division vote has been requested. Is there support for the division? There is support. As many as are in favor of the amendment to section f will vote aye. As many as are opposed will vote no.

The Chair votes no.

The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the minority report amendment offered by Mr. Madar and others, the yeas are 52; the nays are 70.

CHAIRMAN DeVRIES: The amendment is not adopted.

SECRETARY CHASE: Mr. Arthur Elliott offers the following amendment:

1. Amend page 3, line 20, after "utility" by inserting "in violation of its charter"; so that the language there will read, "Nor shall any city or village sell any public utility in violation of its charter and unless such proposition shall have first received the affirmative vote. . ."

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

MR. A. G. ELLIOTT: The intent of this language is to

make sure that charter provisions which may be more restrictive than the balance of this sentence will also be proper and will prevail, and I urge its adoption.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from St. Louis, Delegate Hoxie.

MR. HOXIE: Mr. Chairman, members of the committee, perhaps I can't read this amendment in proper form, but I think that the entire amendment should be read. I appreciate Mr. Elliott's still believing in home rule by allowing the charter to determine the method of selling the property. However, as I read the amendment, it is my belief it is inconsistent. Let's read it.

CHAIRMAN DeVRIES: The secretary will read the Elliott amendment in its entirety.

SECRETARY CHASE: The amendment offered by Mr. Elliott is:

1. Amend page 3, line 20, after "utility" by inserting "in violation of its charter and"; so that the language will read beginning in line 19—was that where you wanted to start, Mr. Hoxie?

Nor shall any city or village sell any public utility in violation of its charter and unless such proposition shall have first received the affirmative vote of the majority of the electors of such city or village voting thereon at a regular or special municipal election.

CHAIRMAN DeVRIES: Delegate Hoxie.

MR. HOXIE: Mr. Chairman, members of the committee, I don't know which amendment takes precedence. There has been the amendment that I offered, which has been on the secretary's desk since yesterday, which I believe is truly home rule. I am wondering if Mr. Elliott would object to the reading of the amendment I offered.

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

MR. A. G. ELLIOTT: I thought that perhaps there would be no other amendments.

I move that the committee rise, and Mr. Hoxie and I can talk during lunch.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee of the whole do now rise. As many as are in favor will say aye. Opposed, no.

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

MR. DeVRIES: Mr. President, the committee of the whole has had under consideration certain 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 83**, A proposal pertaining to cities and villages; has considered several amendments thereto; and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Mr. DeVries.

MR. DeVRIES: Mr. President, the committee on administration will have a special meeting at 1:30 this afternoon in its committee room.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention stand in recess until 2:00 o'clock.

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

The motion prevails. We are recessed until 2:00 o'clock.

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

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

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

PRESIDENT NISBET: The question is on the motion of Mr. DeVries. All those in favor will say aye. Those 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 of the whole will come to order. When last the committee met it was considering **Committee Proposal 83**, and the Elliott amendment to the proposal. The delegate from Pleasant Ridge, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, in an attempt to further clarify this, I would like to withdraw that amendment and substitute the amendment which the secretary has on his desk.

CHAIRMAN DeVRIES: Delegate Elliott withdraws his amendment and offers a substitute which the secretary will read.

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

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

MR. FORD: Mr. Chairman, we have a minority report. I have been trying all morning to get it on, and now we have another amendment coming on ahead of the minority report. I think that the first order of business should be the minority report, as an amendment.

CHAIRMAN DeVRIES: The Chair would question, to which minority report are you referring, Delegate Ford, the one offered by—

MR. FORD: To the last part of Committee Proposal 83 that we have been talking about.

CHAIRMAN DeVRIES: That minority report was acted on by the committee of the whole.

Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, there are 2 minority reports. This is not the wages and hours thing, Bill. We are still talking about this 3/5 vote.

SECRETARY CHASE: This is on page 3. Mr. Elliott has withdrawn his previously filed amendment and is offering the following amendment:

1. Amend page 3, line 22, after "majority" by inserting a comma and "or of a greater number if the charter shall so provide,"; so the language will then read:

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.

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

MR. A. G. ELLIOTT: Mr. Chairman, I believe that this language now clarifies the point and makes it perfectly clear that if this is adopted, charters which require a greater vote than a majority vote will have the right to so do, and that will be the requirement within their community.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Elliott. The Chair recognizes the gentleman from St. Louis, Delegate Hoxie.

MR. HOXIE: Mr. Chairman, members of the committee, I endorse the amendment. I think it will take care of the situation that bothered a lot of us.

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

The amendment is adopted. Are there any further amendments to section f?

SECRETARY CHASE: Mr. Higgs has filed the following amendment:

1. Amend page 3, line 24, after "election" by adding "except

that this provision shall not nullify the presently existing provisions of any city or village charter".

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bay City, Delegate Higgs.

MR. HIGGS: Mr. Chairman, I would like to withdraw that amendment, inasmuch as I think the Elliott amendment has already covered it.

CHAIRMAN DeVRIES: Delegate Higgs withdraws his amendment. Are there any further amendments to section f? Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I would like to withdraw my amendment.

CHAIRMAN DeVRIES: Delegate Hoxie withdraws his amendment. Are there any further amendments to section f?

SECRETARY CHASE: Mr. Marshall offers the following amendment:

1. Amend page 3, line 16, after "vote of" by striking out "3/5" and inserting "a majority"; so that the language will then read, "unless such proposition shall have first received the affirmative vote of a majority of the electors of such city or village voting thereon."

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

MR. MARSHALL: Mr. Chairman and fellow delegates, the intent of my amendment is to make this proposal, this particular section, consistent, and I think we should be consistent in practice. If it requires 3/5 to sell—if a majority of the people can vote to determine to sell, then it should only require a majority to acquire. Therefore, that is the reason for my amendment.

CHAIRMAN DeVRIES: The question is on the Marshall amendment. The Chair recognizes Delegate Hodges.

MR. HODGES: Mr. Chairman, in support of the Marshall amendment, it seems to me that this is just basic democracy that people should be able to decide at a given time by 51 per cent of the vote whether they want to buy or sell something. These built in inequities, such as the figure of 3/5, are basically, in my opinion, undemocratic. You have got to allow people to make these determinations, and a minority should not be allowed to frustrate the will of the majority of the people. Therefore, I support the Marshall amendment.

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

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, I wish Mr. Hodges and Mr. Marshall could have joined with our committee in the hours of debate that we had on this subject. The matter was thoroughly discussed. There has been a great deal of reasoning and rationale expressed this morning which supports the opinion of the committee, and I would urge the defeat of the amendment.

CHAIRMAN DeVRIES: Does the gentleman from Traverse City, Delegate Sleder, seek recognition?

MR. SLEDER: Mr. Chairman, fellow delegates, I wish to echo the remarks of Chairman Elliott. As chairman of the subcommittee on public utilities I wish to say that the committee completely discussed and studied this, and it is felt that the 3/5 majority is a necessary item to have in the constitution relative to the purchase of a public utility, and therefore we would urge the defeat of the amendment.

CHAIRMAN DeVRIES: The question before the committee is the Marshall amendment to section f. The delegate from Detroit, Mr. Hodges.

MR. HODGES: I submit that any rationality or rationale which states that a majority of the people cannot determine their own opinion on something and have it stand is an irrational rationality. (laughter)

CHAIRMAN DeVRIES: Now the question before the committee is the Marshall amendment to section f, which the secretary will read.

SECRETARY CHASE: Mr. Marshall's amendment is:

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

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

MR. AUSTIN: Mr. Chairman, I would like to ask a question of the chairman of the committee, or Mr. Sleder, for the benefit of those of us who are not on the local government committee, and who are not fully aware of what was discussed. I would like to know exactly why it is not logical to have a majority to make the decision for acquisition as well as the majority to make the decision for sale. I don't believe the reason has been given. They have only stated that the committee simply made the decision. I would like to hear the reason so that I can vote intelligently.

CHAIRMAN DeVRIES: Delegate Austin yields to Delegate Elliott.

MR. A. G. ELLIOTT: I yield to the chairman of the subcommittee.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Sleder.

MR. SLEDER: When we speak of public utilities, we speak of a type of enterprise that incorporates a large investment in capital. If we are speaking of light and power, or if we are speaking of the water department or transportation or heat or gas, all these types of enterprises involve a great deal of public funds invested for the engaging into this business. It is felt that when a tremendous amount of public funds are invested by the people into a type of business, it should therefore have a sound and thorough study by the people, and the people should—a good percentage of the people should—be able and willing to support this industry or this enterprise or public utility that this community is going to engage in.

If they spend a great deal of money, and a majority or 3/5, 60 per cent, of the people are not in favor of this and are not going to be willing to support it, the chances of the success of this utility are small. And to assure that the business will succeed, if it is a transportation business, if it is a light and power business, or whatever it may be, for the assurance that this will be a success to the community and to the area, it is felt that a 60 per cent vote of the people is necessary.

CHAIRMAN DeVRIES: The Chair will recognize the gentleman from Taylor, Delegate Marshall.

MR. MARSHALL: Mr. Chairman, I agree with the previous speaker, that it would involve a great deal, a large expenditure of money in acquiring a power plant or transit system, et cetera. But, on the other hand, I still think that the same standard should apply to acquiring as to selling because under the proposal of the committee, a power company could go ahead and convince a village or city that its facilities and its plants were outmoded, outdated and dilapidated and almost to the point of collapsing; make a purchase at a price less than what the facilities were worth; make very few improvements and then operate the facilities at a profit.

I feel that what's fair for the goose is fair for the gander in this situation, and if we are going to have a majority to sell, we ought to only require a majority to acquire. Otherwise, let's put 3/5 in both; let's don't have a double standard.

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

MR. MADAR: Mr. Chairman, fellow delegates, when the other delegates get through discussing the amendment, I will start. Anyway, I want to first start out by telling you that I am opposed to the amendment. Now, not because I am opposed to municipalities or anyone else being able to purchase a public utility or start operating a public utility with just a simple majority vote. Actually I'm not worried so much about that as I am about the fact that in our previous amendment we did try to get 3/5, because I hate to think that someone might be able to actually swindle the voters out of a utility which they could operate at a profit.

This morning I heard people say that some of these utilities actually are run down and they can't possibly operate at a profit. This only happens in the case when you have men as public officials who think only of themselves, who are greedy,

who do not take care of their jobs. No other place do you ever see this happen, because when an official is doing what he should do, he makes certain that he has enough moneys put into reserve to take care of anything that might go wrong. He doesn't try to use those moneys, nor will he let the voters use them to go ahead and buy other things for the city without a battle. He makes sure that he has enough money in reserve to take care of this, just as the public utilities do in the state.

I am not talking about the private utilities, for the private utilities certainly have enough money in their reserve. Actually they have so much in reserve that on more than one occasion they have sent 50 to 150 people into a small town to go ahead and get these people to sell out. Why, it is actually a crime, and it is something that ought to be investigated more thoroughly throughout this state. Maybe we wouldn't have them making so much money. Maybe they wouldn't be spending so much on lobbyists, so much on public information, so much on advertising, and then charging this all back to the rate payers. In fact, we ought to start doing something about keeping the utilities from paying for their lobbying and advertising —

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

CHAIRMAN DeVRIES: Will the delegate from Detroit state his point of order?

MR. YEAGER: This doesn't seem to be relevant to the particular item under discussion at the moment, Mr. Chairman.

MR. MADAR: It is relevant to the taxpayers of the state, Mr. Chairman.

CHAIRMAN DeVRIES: If the Chair gets a chance, it will rule that Mr. Madar is in order.

The gentleman from Menominee, Delegate Lundgren.

MR. LUNDGREN: The only thing I came to the floor here for was this particular purpose: this morning we had the same group of people voting against the 3/5 of all the people voting on the authority to buy or not to buy, to sell or not to sell, and now this afternoon, in some sort of pious gesture, they are now attempting to take themselves into a different position; and I can't quite understand that unless this is another maneuver to take up a lot of time on the floor that to me is rather useless.

CHAIRMAN DeVRIES: The gentleman from Menominee yields to the gentleman from Taylor.

MR. MARSHALL: I guess the question wasn't directed to me by the gentleman from Menominee, but I did vote against the 3/5 this morning because I thought the majority was proper. That is why I offer the amendment to remove the 3/5 and insert the majority in the previous sentence.

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

MR. A. G. ELLIOTT: I urge the defeat of the amendment.

CHAIRMAN DeVRIES: The question before the committee of the whole is the Marshall amendment to section f, which the secretary will read.

SECRETARY CHASE: The Marshall amendment:

[The amendment was again read by the secretary. For text, see above, page 1042.]

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

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN DeVRIES: Division is requested. Is there support for a division vote? There is sufficient support. All those in favor of the Marshall amendment will vote aye. All those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Marshall, the yeas are 35; the nays are 88.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to section f of Committee Proposal 83?

SECRETARY CHASE: Mr. Marshall offers the following amendment:

1. Amend page 3, line 10, after "Sec. f.", by striking out the balance of the section and inserting "Cities and villages shall be permitted to acquire or sell any public utility and grant or revoke any public utility franchise pursuant to law, providing however, this provision shall not nullify any present charter provision."

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

MR. MARSHALL: The purpose of the introduction of this amendment is that if we truly believe in home rule I think this amendment will go a long way toward establishing the fact that we do believe in true home rule, giving the people the right in the local communities to determine for themselves. It also is flexible enough that it can be changed by statute from time to time as economic conditions require.

I am not going to take a lot of time on speaking on this amendment. I think it is self explanatory, and with the few brief remarks I have made, if we believe in true home rule, and if we believe in making it flexible enough in order that it can be changed from time to time throughout the years as economic conditions require, I would urge your support of this amendment. Thank you.

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

MR. A. G. ELLIOTT: I urge the defeat of this amendment. The committee gave this, also, consideration. It was the feeling within the committee that the language—a strong feeling, as far as that goes, within the committee that the language that we have now presented is sound constitutional language and is helpful to the problem that is under discussion. The only discussion we had in committee was as to whether or not it should be a majority vote or a 3/5 vote. That seems to have been decided by this committee. I therefore would urge that this amendment be also defeated and the committee report be accepted.

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

MRS. CUSHMAN: I am sorry to disagree with our chairman, but I think this is a very good amendment, and I think that leaving it to the city is a sound move. I have only one question about it, and that I would like Mr. Marshall to answer: that business about present charter provision in the last line. It seems to me that it leaves a question about what you would do about changing your charter in the future, and whether that would be possible under this thing.

CHAIRMAN DeVRIES: Delegate Cushman yields to Delegate Marshall for the purpose of answering the question.

MR. MARSHALL: I can't even read my own writing. I ran out of space. But the purpose for that, in my judgment on this, Mrs. Cushman, is that you could still change it by charter amendment at the local level any time that a change is necessary.

MRS. CUSHMAN: I would suggest you delete the word "present" in that case.

CHAIRMAN DeVRIES: Delegate Marshall.

MR. MARSHALL: I would have no objection to accepting the suggestion of Delegate Cushman to delete the word "present".

SECRETARY CHASE: The Marshall amendment, as revised, now reads as follows:

1. Amend page 3, line 10, after "Sec. f.", by striking out the balance of the section and inserting "Cities and villages shall be permitted to acquire or sell any public utility and grant or revoke any public utility franchise pursuant to law, providing however, this provision shall not nullify any charter provision."

CHAIRMAN DeVRIES: Delegate Marshall.

MR. MARSHALL: Mr. Chairman, I believe this amendment gives the delegates an opportunity to vote on the principle of true home rule.

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

MR. FORD: I want to agree with Mrs. Cushman. I would like to call the committee's attention to the fact that there has been some newspaper publicity within the past few weeks; the serious discussion down in the Detroit area of setting up the municipal transit system or a transit system throughout Wayne county, and perhaps part of Oakland county area, with a series of cities joining together, and I wonder—I think that this question was asked and answered in the committee—I wonder if this provision of a 3/5 vote would mean that in order to buy out the franchises of competing small private transit systems within the area to be served by an area transit system, we would have to have a 3/5 vote of all the cities and villages involved. Perhaps Mr. Elliott could tell us if this would be the effect.

CHAIRMAN DeVRIES: The gentleman does not care to answer.

MR. FORD: Could anyone who advocated this tell me whether or not we would be prohibited from going into such a transit system in Wayne county if we didn't have a 3/5 vote of each of the cities and villages to become a part of it? In other words, could any one of the cities or villages that failed to get 3/5 cause us to lose out?

CHAIRMAN DeVRIES: Does the gentleman from Traverse City care to answer? Delegate Sleder.

MR. SLEDER: In my opinion, Delegate Ford, it would. Each community would have to have a 3/5 vote if it was going to contribute in a financial way to the support of this. If you are speaking of some sort of inter contract basis for the transportation system, and they were going to contribute financially to it, it would have to have a 3/5 vote of its electorate.

MR. FORD: I submit then for all practical purposes to have a rigid requirement like this in the constitution would prevent for all time in the future of Wayne county the creation of a metropolitan transit system. We are not arguing about whether it is desirable or not desirable. It has been talked about for so long that there are a substantial number of people down there who feel that they would like to be able to do it, and I would rather see something happen along the line that is now suggested, that would permit the legislature to set the rules and provide for flexibility, so that the cities within the framework of their own charters, and the villages, could approve the purchase of these franchises on whatever basis the local people thought was in their own best interest.

CHAIRMAN DeVRIES: The question before the committee is the adoption of the Marshall amendment, as revised, to section f. The secretary will read the amendment.

SECRETARY CHASE: Mr. Marshall's amendment, as revised:

[The amendment was again read by the secretary. For text, see above, page 1043.]

CHAIRMAN DeVRIES: The gentleman from Jackson, Delegate Karn.

MR. KARN: Mr. Chairman, ladies and gentlemen of the committee, I would like to call your attention to a situation which is brought out in this proposed amendment, and that is, at the present time, when franchises are ratified by the voters, they are irrevocable during their term. If this amendment should pass—I know I am speaking very frankly—I think it would do irreparable harm to the public utility industry as such. Because financing of utility expenditures where they had no franchises, or franchises could be revoked, would be extremely difficult. I urge your opposition to this amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Traverse City, Delegate Sleder.

MR. SLEDER: Relative to Mr. Marshall's amendment, I should like to point out the section that we adopted previous to this in the constitution gives the power of cities and villages to enter into public utilities. This, I think, is important, that these cities and villages be given this privilege and the power to do. However, I do feel that if the constitution likewise instills them with this responsibility and this power,

that in some areas there must be certain restrictions stated in the constitution as to what is necessary to enter into these utilities.

The section we are now discussing definitely states that 60 per cent of the voters must conform to the utility for this municipality to enter into it. While the constitution gives the communities, the cities and villages, the power to go into the utility business, it likewise, I feel, should also set up the requirements which they must meet in order to enter this field.

Therefore I would recommend defeating the Marshall amendment.

CHAIRMAN DeVRIES: The Chair recognizes the sponsor of the amendment, Delegate Marshall.

MR. MARSHALL: Well, again—and this will be the last time that I will infringe upon your time and patience to speak on this amendment, but I again urge its adoption. I have tried to be rather consistent throughout the convention, and have tried to leave as much trust in the legislature as possible. I have spoken on the floor numerous times about not burdening the constitution down with a lot of language that is statutory in nature.

It seems to me that many of the delegates want to trust the legislature when it suits their fancy; when it doesn't suit them they don't want to trust them. In the one breath many of the delegates advocate and talk in the corridor and after hours about strong county home rule or local home rule, but here you have an opportunity to vote for it and apparently we are hedging. Again I can see, in my judgment, where in this committee proposal there could be advantage to certain special interest groups. I don't think that should exist in the constitution, and I think this language leaves it squarely up to the people and to the legislative processes.

CHAIRMAN DeVRIES: The delegate from Detroit, Delegate Madar.

MR. MADAR: You would almost think that I were being paid to lobby against public utilities, as some here are paid to be delegates and possibly do some lobbying too for utilities.

CHAIRMAN DeVRIES: Mr. Madar, will you confine your remarks to the amendment offered by Mr. Marshall.

MR. MADAR: I intend to. I just wanted to say this: that we in the city of Detroit, and I know that the utilities in the city of Detroit, aren't worried about franchises. There we have day to day franchises. We have a wonderful relationship with the utilities. In fact, I don't think that it costs us as much for power or gas in the city of Detroit as it does anywhere else in the state. Actually they are cheaper in Detroit.

Now, I believe that this is a very, very good amendment. This is something that is necessary for the people. You see, it wasn't the cities and the government who first went into the power business; it was just a few people, and these few people who first started in getting the utilities together were given all sorts of rights and liberties to do just about as they wished. Yet they used our rivers, they dammed them up, they watered an awful lot of stock from those dams too. Actually they built up about 50 or 100 thousand to the point where today some of that 50 or 100 thousand has risen to a million. Oh, yes, check the records and you will find that the stock has been watered plenty and the rates are plenty high.

Frankly, all I ever want to do is to help get back to reason. I don't believe that we have got to give any long franchises to utilities, and I believe that the cities ought to be able to do something about them. I believe, too, that we shouldn't have the same thing—or, rather, continue the same thing as they have in Traverse City, where down one side of the street they have their own utility; on the other side they have a private utility, and all because they granted a franchise for life.

Frankly, I am in favor of the amendment, and I hope that it passes.

CHAIRMAN DeVRIES: The question before the committee is the adoption of the Marshall amendment, as revised. The gentleman from Detroit, Delegate Hodges.

MR. HODGES: I support the amendment because the committee report is anti democratic and pro private power.

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.

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.

MR. SHARPE: We will accept the revision, Mr. Secretary.
MR. KING: The second question I have, Mr. Sharpe, when you say "subdivision," "governmental subdivision," does that mean the state of Michigan or is it a subdivision of the state?

MR. SHARPE: I answered that question once before to Mr. Austin. We are talking about subdivisions of the state of Michigan.

MR. KING: Would you be willing to add the word "outstate" to the amendment?

MR. SHARPE: Yes, I would be willing to add those words, too, Mr. King.

MR. KING: Thank you.

SECRETARY CHASE: Without objection, Mr. Sharpe revises the amendment to read as follows:

1. Amend page 1, line 7, [section a] after "law.", by inserting "No outstate governmental subdivision of the state shall impose an income tax unless approved by a majority of qualified electors voting on the question."

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: I'll pass.

PRESIDENT NISBET: Judge Leibrand.

MR. LEIBRAND: Mr. King has covered my question.

PRESIDENT NISBET: T. S. Brown.

MR. T. S. BROWN: Mr. President and fellow delegates, I oppose the amendment because it is obviously poorly drafted. It has a logical inconsistency within it in that if you read the words you see that it says, "No governmental subdivision . . . shall impose an income tax." Upon whom? Upon its own residents, or upon nonresidents who work in that subdivision? There is a problem there in that, conceivably, the city of Detroit could tax people working in the city who do not live there. Upon a majority vote of the people who do live in the city, they can determine that they will tax the residents of Garden City, who work in the city of Detroit. It is a fundamental precept of taxation that you tax all of the members of a class on some equitable basis or that if the matter is submitted for ratification, it should be submitted to all of the members of the particular class affected. And this would deny that fundamental precept of tax law.

PRESIDENT NISBET: Mr. Rush.

MR. RUSH: Mr. President, I am very much in favor of this amendment, primarily because I don't think it is right for any municipality to levy taxes upon nonresidents and this takes in that field, too. I admit that the amendment is not properly drafted, but there is a fundamental wrong involved here that I don't know just how to explain. It is taxation without representation when we let one community levy taxes upon residents of another community.

And there is another reason why this is not right: it is going to preclude the chance, probably, of getting a state income tax. If municipalities are given the right to levy local income taxes and then eventually the state does levy a state income tax, you will have double taxation and then you can really hear the screams. I think the whole approach is wrong. It should be levied on a statewide basis.

In regard to the question Mr. Austin posed, if a local municipality wanted to levy a supplemental tax to a state income tax, they could do so by a vote—

MR. AUSTIN: Mr. President, will the speaker yield for a question?

PRESIDENT NISBET: Will you yield?

MR. RUSH: I will, yes.

PRESIDENT NISBET: He yields.

MR. AUSTIN: Mr. Rush, if I understood you correctly, you were concerned about a local unit of government levying a tax on nonresidents. My question is: how would this affect the levying of a tax on nonresidents? It would seem that only the residents in a community could vote on the question; so the nonresidents would still not be able to participate in the decision. Am I correct?

MR. RUSH: That's right, but they could levy the tax upon them and they could participate in the paying.

PRESIDENT NISBET: Have you finished, Mr. Rush?

MR. RUSH: I believe so.

PRESIDENT NISBET: Mr. Buback. You have 15 seconds.

MR. BUBACK: Mr. President and fellow delegates, I just merely want to say that I oppose the amendment. I think it is legislative in nature and should not be in the constitution.

PRESIDENT NISBET: The question is upon the amendment by Mr. Sharpe and others, as revised. The secretary will read the amendment.

SECRETARY CHASE: The amendment as now revised reads as follows:

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

PRESIDENT NISBET: The question is on the amendment, as revised. The yeas and nays have been demanded. Is the demand seconded? 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 vote.

The roll was called and the delegates voted as follows:

Yeas—35

Boothby	King	Rush
Dade	Kirk, S.	Sablich
Dell	Kuhn	Shackleton
Donnelly, Miss	Lawrence	Shaffer
Figy	Leibrand	Shanahan
Finch	Nisbet	Sharpe
Gover	Perras	Snyder
Gust	Plank	Spitler
Haskill	Powell	Stopczynski
Howes	Prettie	Suzore
Hubbs	Radka	Yeager
Kelsey	Richards, J. B.	

Nays—89

Allen	Erickson	McGowan, Miss
Andrus, Miss	Everett	McLogan
Anspach	Farnsworth	Millard
Austin	Faxon	Mosier
Baginski	Follo	Murphy
Balcer	Gadola	Nord
Barthwell	Garvin	Perlich
Batchelor	Goebel	Pollock
Beaman	Hanna, W. F.	Pugsley
Bentley	Hannah, J. A.	Rajkovich
Blandford	Hart, Miss	Richards, L. W.
Bledsoe	Hatch	Romney
Bradley	Hatcher, Mrs.	Rood
Brake	Heideman	Seyferth
Brown, G. E.	Higgs	Sleder
Brown, T. S.	Hodges	Staffseth
Buback	Hood	Staiger
Butler, Mrs.	Hoxie	Thomson
Conklin, Mrs.	Hutchinson	Turner
Cushman, Mrs.	Jones	Tweedie
Dade	Judd, Mrs.	Upton
Danhof	Karn	Van Dusen
DeVries	Koeze, Mrs.	Wanger
Doty, Dean	Krolkowski	White
Doty, Donald	Leppien	Wilkowski
Douglas	Lesinski	Wood
Downs	Madar	Woolfenden
Durst	Mahinske	Young
Elliott, A. G.	Martin	Youngblood
Elliott, Mrs. Daisy	McCauley	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Sharpe and others, the yeas are 35; the nays are 89.

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

SECRETARY CHASE: Mr. Madar, Mr. J. Burton Richards and Mr. Erickson offer the following amendment:

1. Amend page 2, line 20, [section f] after "thereon" by inserting "at a regular municipal election"; and on line 25, by striking out "a majority" and inserting "3/5"; and after "thereon" by inserting "at a regular municipal election"; so the language would read:

No city or village shall acquire any public utility fur-

nishing 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 at a regular municipal election. No city or village may sell any such public utility unless the proposition shall have been approved by 3/5 of the electors voting thereon at a regular municipal election.

PRESIDENT NISBET: The question is on the amendment offered by Messrs. Madar, J. B. Richards and Erickson. Mr. Madar.

MR. MADAR: Mr. President and fellow delegates, since we discussed this in committee of the whole, I have received quite a few letters, telegrams, and I have had a lot of people talk to me about this particular proposal. So far as I, personally, was concerned and so far as my area of the state was concerned, this didn't affect us in the least because, as you all know, we are not having any troubles with anyone trying to take over anything. We are not worried about the people in our area. We know that they are going to vote for those things that are good for the area, and I am now talking about the city. Of course, I cannot say anything about the suburban areas; we just had a little bit of that. Anyway, getting an idea —

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

PRESIDENT NISBET: Mr. Plank.

MR. PLANK: Mr. President, I believe we already have voted on this in substance and I see very little change in it as brought out here by Mr. Madar. We did it in committee of the whole, page 619, Mr. Chase.

SECRETARY CHASE: In Journal 80, page 619, Mr. Madar offered 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".

The yeas and nays were demanded. The yeas were 48; the nays were 86.

PRESIDENT NISBET: It is not the identical amendment. Mr. Madar, you may continue.

MR. MADAR: Thank you very much, Mr. President. As I said before, I have received quite a few communications from the outstate areas. To start with, we have one here from Dowagiac, Michigan. We have one here from South Haven. We have them from Bay City, from St. Louis, from Holland, from Escanaba, from Marquette. To give you an idea of just how some of them read, I will quote the second paragraph because I don't want to take up too much time here:

These municipal enterprises are, as stated in most charters, operated for the benefit of the residents of the community. Campaigns to sell out the utilities are often emotionally publicized. It is hoped that the majority vote to dispose of a utility will be retained.

Now then, to go further—that, incidentally, was from the city of St. Louis. From Lowell, Michigan:

Dear Mr. Madar,

I would like to express the appreciation of the Lowell light and power board and the city council for your help in fighting the amendment to the constitution pertaining to the vote required to sell a public utility.

Our mayor has sent telegrams to Mr. Nisbet, Mr. Romney and Mr. Elliott urging that the required 3/5 vote be retained in the new constitution.

Now I want to mention one thing here, too: some people think, well, they have it in the ordinance. I am very happy to know that there are people like there are in Lowell. They go further. They say:

The Lowell city charter requires a 3/5 vote before the sale of any city property can be made. The charter committee felt that this was necessary for the protection of the general public.

They weren't just worried about themselves; they were thinking of other people in the state. It is nice to know that there are people of this type all over the state of Michigan. Now, as I said, we have had them from Escanaba and we have had

them from other portions of the state, and I would say that what we ought to do is to make it the same to sell as we do to buy: a 3/5 majority. And it should not be done in a special election where it is difficult to get the voters out. It should be done at a regular election where the voters do come out to vote.

I also would like to say this: that it has been proven that where there have been utilities go in to try to purchase a municipally owned public utility, they bring in numerous people. They spend enormous amounts of money to take away these municipally owned utilities so that they can make a lot more for themselves. Actually, they are like octopuses and we ought to try and stop this. I urge the adoption of the amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Karn.

MR. MADAR: And I would like to ask for the yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been requested. Is the demand seconded? Sufficient number up. Mr. Karn.

MR. KARN: Mr. President and delegates of the convention, this question was argued at some length in committee of the whole where we voted on whether there shall be a majority vote in case of the sale of a municipal plant or whether it shall be a 3/5 vote, which was suggested by Mr. Madar at that time. And, as was stated, the vote on that was 86 nay and 48 yea.

This situation is—I am not going into a lot of detail—the thought back through the years on this and I recited before what has happened in the legislature, what has happened in the constitution. The thought is this: when a municipality decides to go into the development of its own municipal plant, municipal electric generation and distribution plant, there is a great deal of money involved. It was thought that in that case—it was thought by the legislature back through the years, and also by the convention—that a substantial vote should be held or should be necessary before the city decided to go into a substantial investment.

However, when it comes to the sale of a municipal plant, I know of no case—and I doubt if anyone here does—but where the plant was depreciated, it had deteriorated and it was not modern. It was not efficient. So when you get to the place where a commission, for instance, or a council or the governing body has the feeling that this community would be better off to sell the plant and buy service, in many cases at a lower rate than they could generate it, the majority vote should be ample. One place they are going into business and spending money. In another place they are going out and receiving money which the community can use.

All of these cities that Mr. Madar, Delegate Madar, suggested do have municipal plants at the present time and it is only natural that there are people there who do not feel that the property should be sold, even though it could be sold at a gain in money, a gain in efficiency by the property itself. I certainly would suggest opposing this amendment.

PRESIDENT NISBET: The yeas and nays have been demanded. All those in favor of the amendment 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 — 49

Austin	Hart, Miss	Prettie
Baginski	Hatcher, Mrs.	Pugsley
Balcer	Hodges	Richards, J. B.
Barthwell	Hood	Richards, L. W.
Bledsoe	Hoxie	Sablich
Bradley	Jones	Shanahan
Brown, T. S.	Krolikowski	Sleder
Buback	Leibrand	Snyder
Butler, Mrs.	Lesinski	Spitler
Douglas	Madar	Stafseth
Downs	Mahinske	Stopczynski
Elliott, Mrs. Daisy	Murphy	Suzore
Erickson	Norris	Thomson
Faxon	Perlich	Wilkowski
Follo	Perras	Wood
Garvin	Powell	Young
Hannah, J. A.		

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 draftsman-ship. 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.

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**

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1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
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11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
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
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3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
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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
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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
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13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
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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
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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

1 principal departments headed by boards or com-
2 missions shall keep their offices at the seat of
3 government except as otherwise provided by law,
4 superintend them in person and perform duties
5 prescribed by law.

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

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

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

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

34 Sec. 13. The governor shall have power to
35 grant reprieves, commutations and pardons after
36 convictions for all offenses, except cases of im-
37 peachment, upon such conditions and limitations
38 as he may direct, subject to procedures and regu-
39 lations [provided] PRESCRIBED by law. He shall
40 inform the legislature annually of each reprieve,
41 commutation and pardon granted, stating reasons
42 therefor.

43 Sec. 14. The governor may convene the legis-
44 lature on extraordinary occasions.

45 Sec. 15. The governor may convene the legis-
46 lature at some other place when the seat of gov-
47 ernment becomes dangerous from any cause.

48 Sec. 16. The governor shall communicate by
49 message to the legislature at the beginning of each
50 session and may at other times present to the
51 legislature information as to the affairs of the
52 state and recommend measures he considers nec-
53 essary or desirable.

54 Sec. 17. The governor shall submit to the leg-
55 islature at a time fixed by law, a budget for the
56 ensuing fiscal period setting forth in detail, for
57 all operating funds, the proposed expenditures and
58 estimated revenue of the state. Proposed expendi-
59 tures from any fund shall not exceed the esti-
60 mated revenue thereof. On the same date, the

1 governor shall submit to the legislature general
2 appropriation bills to embody the proposed ex-
3 penditures and any necessary bill or bills to pro-
4 vide new or additional revenues to meet proposed
5 expenditures. The amount of any surplus created
6 or deficit incurred in any fund during the last
7 preceding fiscal period shall be entered as an item
8 in the budget and in one of the appropriation bills.
9 The governor may submit amendments to appro-
10 priation bills to be offered in either house during
11 consideration of the bill by that house, and shall
12 submit any bills to meet deficiencies in current
13 appropriations.

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

21 Sec. 19. No appropriation shall be [deemed] a
22 mandate to spend. The governor, with the ap-
23 proval of the appropriating committees of the
24 house and senate, shall reduce expenditures AU-
25 THORIZED BY [of any bodies receiving] appro-
26 priations whenever it appears that actual revenues
27 for a fiscal period will fall below the revenue
28 estimates on which appropriations for that period
29 were based. Reductions in expenditures shall be
30 made in accordance with procedures [established]
31 PRESCRIBED by law. The governor[']s power to
32 reduce expenditures shall not apply to] MAY
33 NOT REDUCE EXPENDITURES OF the legis-
34 lative and judicial branches or FROM [to those
35 services for which] funds CONSTITUTIONALLY
36 DEDICATED FOR SPECIFIC PURPOSES. [are
37 mandated by this constitution.]

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

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

51 VACANCIES IN THE OFFICE OF THE SEC-
52 RETARY OF STATE AND ATTORNEY GEN-
53 ERAL SHALL BE FILLED BY APPOINTMENT
54 BY THE GOVERNOR.

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60 Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
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

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[,] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended[,] or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

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

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

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

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

ing body" there, taking that out, so that the local units of government don't have the power any more to do it but the state highway department or some place in the state of Michigan, down in Lansing, could grant all power to override that.

MR. A. G. ELLIOTT: The answer is, no.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott. Mrs. Cushman.

MRS. CUSHMAN: I would like to speak to the amendment. I think that actually we only have 2 changes here and I don't think they are bad. I think that actually, probably, we could make them in style and drafting and I don't think you would object to them.

In the first place you have changed — in response to Mr. Gover's question, actually, there is no change at all in the wording about franchises, not one change. In the second place, all we have said is, "No public utility" to substitute for all this business about "No person, partnership, association or corporation," and so on. And then in the other place, instead of saying all these involved words, which to my understanding is not good constitutional language, you say "wires, poles, pipes, tracks, conduits or other utility facilities;" for that we substitute just plain "utility facilities." So that it seems to me that there is really no substantive change here and, now that the other changes have been redone to correspond with the original language, I can't see that there is any particular problem at all with this.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, we started out in consideration of this amendment on the premise that there was no substantive change intended, at least. However, I think it is admitted now that there was a substantive change.

I think that at this stage in our deliberations it is very unwise to start in making amendments unless we are sure that we know what we are doing. This particular section was considered by the committee and it appears now that we have 2 individuals who want to rewrite this section. The purpose I don't know or what their intent is but, as far as I am concerned, I am willing to accept the section as it came from the committee, as it was adopted by this convention, as it came back to us from style and drafting. I think it is very unwise for this convention to start amending sections unless we are sure we know what we are doing. I urge a no vote on the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna, just for 30 seconds.

MR. W. F. HANNA: I'll sit down.

VICE PRESIDENT HUTCHINSON: No, go ahead. The question is upon the adoption of the revised amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott, which has been read. All those in favor will say aye. Opposed no.

The amendment is not adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? The demand is supported. A sufficient number up. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. W. F. Hanna and A. G. Elliott, the yeas are 26; the nays are 88.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Are there any further amendments? The question is upon the passage of article VII, local government.

MR. ALLEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: I don't have an amendment but, if I could make a suggestion or a comment, I notice in the way we have set it up in the third reading, we start with an index and I assume that index will not be kept the same, particularly because it refers to committee proposals, but there are 2 sections that are very related: one is our old Committee Proposal 88, which is intergovernmental agreements as far as they apply within the state. And then there is the one that came out of emerging problems, which was 128. Now 128, as style and drafting has set it up, is now in article III under general government and I think this is all right, but the caption given it in the index

is "intergovernmental agreements;" whereas, the very similar one which we have in local government is given a different caption. I think it is called "intrastate cooperation."

I just wanted to make this suggestion and I don't know where the suggestion would go — probably to style and drafting, but each should be entitled the same but one of them is interstate and the other is intrastate. They each could be called "intergovernmental cooperation" or they each could be called "agreements," but I think if we keep the titles which we have now it could cause some confusion. And I just make this as a suggestion.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, there are no further amendments, as I understand it?

VICE PRESIDENT HUTCHINSON: There are none.

MR. VAN DUSEN: I would move to limit further debate on this article to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon the article to 5 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. The Chair recognizes Mr. Cudlip.

MR. CUDLIP: Mr. President and members, I rise just for the purpose of saying that these section captions in this brochure before you are not a part of the constitution. They are put in there for your convenience. The constitution as proposed will have article numbers and captions like judicial branch, executive branch, nothing else, and the schedule will not even bear a caption or an article number. These are purely for your convenience and if anybody puts them in future reprints of this document — if it is enacted or adopted by the people — it will be an editor, West Publishing or Callahan or somebody in the secretary of state's office, as in the present case. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I did not put any amendments in on this because this had been done in committee of the whole and on second reading. In committee of the whole we did try to get certain standards for county home rule which did not pass and then in the second reading many delegates — and I was one of those — went all out for pure home rule.

I now rise in opposition to this article, urge a no vote, and want the delegates to know what the reasoning is, whether or not they individually or collectively agree. This provision now is that, "Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law. . . ." What I had urged in committee of the whole was that we assure that every county have partisan government. This was lost and then I supported the pure home rule concept, which would provide that any county could have either partisan or nonpartisan government, as the next best thing. This is the third best thing. My concern — and I feel it is a real one — is that by using the term "by general law" with the type of legislature we have created that there will be a classification so counties over a million, which include the one in which I reside, may end up with nonpartisan government and counties under a million may end up with the requirement of partisan government. I think this is a double standard that is, possibly, almost written into this. I think it is an unsound approach and there should be a single standard. I would take a different attitude if we had a legislature with equal representation for urban areas.

I regret that we did not improve the basic structure of the board of supervisors providing for election or providing for more equal representation therein.

I believe that in our other provisions here that we set up a double standard on cities or villages acquiring utilities where it takes 3/5 to buy and only a simple majority to reject.

Time and again through this article — such as section 27 — when we provide for metropolitan government, we use the term "the legislature may establish." I suppose the delegates are as tired of hearing as I am of saying that the concern here is that when we say "legislature may establish" — and I am greatly concerned — that this is almost meaningless when it comes to meeting the needs of those of us from industrial, urban areas with the type of legislative makeup we have. I therefore urge a

no vote and hope that there will be a substitute before we complete third reading, which will permit a more responsive, more responsible type of government and hope then that the delegates will be able to support a more positive substitute. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President and fellow delegates, I should like to comment on this section in general, but before I do that I would like to point out to Mr. Allen and for the benefit of the record that Committee Proposal 128 deals with both intrastate and interstate governmental relations and I don't know that Mr. Allen was completely aware of that, but I should want the record to clearly reflect that fact.

I find myself, like Mr. Downs, dissatisfied and unhappy that we were not able to provide for the election of supervisors. I am also disappointed that we were not able to achieve what I considered to be essential: that is, pure home rule. However, I would point out to this delegation, and to Mr. Downs in particular, that the phrase "democratic process" is spelled with a small "d," and as such, I think it is absolutely essential that we all be prepared to win on some points and to lose on others. By and large, this is an excellent article and I support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of the article, article VII, local government. All those in favor of the article will vote aye. All those opposed —

MR. BINKOWSKI: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski.

MR. BINKOWSKI: I would like to announce my intention to abstain.

VICE PRESIDENT HUTCHINSON: All those in favor will vote aye. Those opposed will vote no. Mr. Binkowski abstains. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Gover	Prettie
Andrus, Miss	Gust	Pugsley
Anspach	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Bledsoe	Heideman	Romney
Bonisteel	Howes	Rush
Bradley	Hoxie	Sablich
Brake	Hubbs	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Spitler
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibbrand	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Mahinske	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Page	Wood
Follo	Plank	Woolfenden
Gadola	Pollock	Yeager
Goebel	Powell	

Nays—26

Austin	Elliott, Mrs. Daisy	Nord
Baginski	Faxon	Pellow
Balcer	Finch	Perlich
Barthwell	Ford	Stopczynski
Boothby	Greene	Suzore
Buback	Hart, Miss	Wilkowski
Dade	Jones	Young
Douglas	Krollkowski	Youngblood
Downs	Madar	

SECRETARY CHASE: On the passage of article VII, the yeas are 92; the nays are 26.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article VII** on local government is passed.

For article VII as passed, see above, page 3063.

Following is explanation of vote submitted by Mr. Finch:

I voted no on article VII because I object to a portion of section 21. I believe that cities and villages should not be able to impose a payroll tax or an income tax on nonresidents.

Following is explanation of vote submitted by Messrs. Hodges, Baginski, Madar, Buback, Downs, Ford, Jones and Miss Hart:

We voted no on article VII — local government, for several reasons.

The provision of county home rule provides that counties could have home rule only if authorized by the legislature. We are very concerned that the legislature, not based on population, would set a double standard of home rule — one for large urban counties and another for smaller, nonurban counties. We believe this double standard would frustrate effective home rule and regret that principles for standards of home rule were turned down in committee of the whole and on second reading. Self executing provisions to provide the people of a county the possibility of developing home rule independently of the legislature were also rejected.

The boards of supervisors throughout the counties in Michigan need strengthening. Unfortunately county boards of supervisors presently are selected on a basis that is not truly representative of people and violates the concept of equality of representation. We believe that local government can be strengthened effectively by strengthening county boards of supervisors through an elective process that assures equality of representation on a responsible basis.

Section 25 sets up a double standard for cities and villages in acquiring public utilities by requiring a 3/5 vote to obtain public utilities and permitting them to be sold by only a simple majority.

The creation of metropolitan areas so vital to a growing industrial economy is hamstrung by making it contingent upon the actions of a legislature that does not truly represent people. We therefore voted no on article VII and hope that the convention will take more positive action before we complete the third reading.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VIII, education.

SECRETARY CHASE: **Article VIII:**

[Article VIII, sections 1 through 9, was read by the secretary. For text, see above, page 3085.]

VICE PRESIDENT HUTCHINSON: Article VIII has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VIII of the proposed revision of the constitution:

sec-	col-	tion	umn	line	Corrections
3	2	45			After "institutions" insert "of higher education".
3	2	46-7			After "DEGREES" insert a comma and delete "[of higher education].",

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The question is upon the passage of the article. The secretary will report an amendment.

SECRETARY CHASE: Miss Hart, Messrs. Faxon, Barthwell, T. S. Brown, Follo and Douglas offer the following amendment:

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

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 Sec. 23. Any city or village may acquire, own,
2 establish and maintain, within or without its
3 corporate limits, parks, boulevards, cemeteries,
4 hospitals and all works which involve the public
5 health or safety.

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

35 Sec. 31. The legislature shall not vacate or
36 alter any road, street, alley, or public place under
37 the jurisdiction of any county, township, city or
38 village.

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

16 Sec. 2. The power of taxation shall never be
17 surrendered, suspended or contracted away.

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax 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
61 amendment, expressed in not more than 100 words,
62 exclusive of caption. Such statement of purpose
63 and caption shall be prepared by the person au-
64 thorized by law, and shall consist of a true and
65 impartial statement of the purpose of the amend-
66 ment in such language as shall create no prejudice
67 for or against the proposed amendment.

68 If the proposed amendment is approved by a
69 majority of the electors voting on the question,
70 it shall become part of the constitution, and
71 shall abrogate or amend existing provisions of
72 the constitution at the end of 45 days after
73 the date of the election at which it was ap-
74 proved. If two or more amendments approved by
75 the electors at the same election conflict, that
76 amendment receiving the highest affirmative vote
77 shall prevail.

78 Sec. 3. At the general election to be held in
79 the year 1978, and in each 16th year thereafter
80 and at such times as may be provided by law, the
81 question of a general revision of the constitution
82 shall be submitted to the electors of the state. If
83 a majority of the electors voting on the question
84 decide in favor of a convention for such purpose,
85 at an election to be held not later than six months
86 after the proposal was certified as approved, the
87 electors of each representative district as then
88 organized shall elect one delegate and the elec-
89 tors of each senatorial district as then organized
90 shall elect one delegate at a partisan election.
91 The delegates so elected shall convene at the seat
92 of government on the first Tuesday in October
93 next succeeding such election or at an earlier date
94 if provided by law.

95 The convention shall choose its own officers,
96 determine the rules of its proceedings and judge
97 the qualifications, elections and returns of its mem-
98 bers. The governor shall appoint a qualified
99 resident of the same district to fill a vacancy
100 in the office of any delegate who shall be a mem-
101 ber of the same party as the delegate vacating
102 the office. The convention shall have power to ap-
103 point such officers, employees and assistants as
104 it deems necessary and to fix their compensation;
105 to provide for the printing and distribution of its
106 documents, journals and proceedings; to explain
107 and disseminate information about the proposed
108 constitution and to complete the business of the
109 convention in an orderly manner. Each delegate
110 shall receive for his services compensation pro-
111 vided by law.

112 No proposed constitution or amendment adopted
113 by such convention shall be submitted to the
114 electors for approval as hereinafter provided un-
115 less by the assent of a majority of all the delegates
116 elected to and serving in the convention, with the
117 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Following is statement of the style and form changes made by the committee on style and drafting from the document as referred to said committee (see above, page 3210) to the document as reported by said committee (see above, page 3214):

arti- cle	sec- tion	changes
I	2	After "because of" strike out "race, color, religion, or national origin" and insert "religion, race, color or national origin".
II	6	After "such election or" insert "electors who are".
III	5	Combine both paragraphs into one.
IV	4	First paragraph, first sentence, after "which it is combined" insert a comma and strike out "upon the effective date of the annexation or merger,"; and in the second sentence, after the first "the" insert "district or"; and after "determined by" strike out "said" and insert "such".
	6	Last paragraph, after "by the commission, and" strike out "may" (in the amendment) and insert "shall".
	12	(In the amendment) after "compensation and" strike out "expenses" and insert "expense allowances"; and after "changes in" strike out "salary or expenses" and insert "compensation or expense allowances"; and after "commence their" strike out "term" and insert "terms".
V	4	Section has been split into 2 sections and reversed in order. The balance of the article has been renumbered.
	25	Renumbered to Sec. 26. First paragraph, after "resignation" strike out the comma; and after "THE ELECTED attorney general" strike out the comma; and in the second paragraph, after "IN" strike out "THE".
	28	Renumbered to Sec. 29. Last paragraph, (in the amendment), after "court" strike out "of the state".
VI	8	After "lines and as" (in the amendment) strike out "near" and insert "nearly"; and after "equal population, as" (in the amendment) strike out "prescribed" and insert "provided".
	26	First paragraph, after "justice of the peace" strike out "shall be" and insert "are".
VII	24	First paragraph, after "own" strike out "and" and insert "or".
	25	Last sentence, after "sell any" strike out "such".
	28	First paragraph, after "two or more counties," strike out "cities, villages, townships or districts," and insert "townships, cities, villages or districts,".
	29	First sentence, after "places of any county," strike out "city, village or township" and insert "township, city or village"; and after "authority of the county," strike out "city, village or township" and insert "township, city or village"; and after "franchise from the" strike out "city, village or township" and insert "township, city or village". Second sentence, after "right of all counties," strike out "cities, villages and townships" and insert "townships, cities and villages".
	30	After "granted by any" strike out "city, village or township" and insert "township, city or village".
	33	Renumbered to Sec. 34. After "concerning" strike out "cities, villages, counties and townships" and insert "counties, townships, cities and villages". (This section had pre-

VIII	2	After "discrimination as to" strike out "race, creed, religion, color or national origin" and insert "religion, creed, race, color or national origin".
IX	4	(In the amendment) after "occupied by" strike out "a"; and after "educational" strike out "organization" and insert "organizations".
	6	First paragraph, at the beginning of the third sentence strike out "The" and insert "These"; and after "limitations" strike out "established by this constitution or by county vote"; and after "constitution" insert a comma.
		Second paragraph, after "charter township" strike out "or" and insert a comma; and after "charter" strike out "or other" (in the amendment); and after "authority" insert "or other authority,".
	10	After "assistance to" strike out "cities, villages and townships" and insert "townships, cities and villages".
	11	Section 11 has been rewritten to conform to other language in finance article. Meaning has not been changed.
	16	Third paragraph, after "28" strike out the comma and insert "of" and after "X" strike out the comma.
		Seventh paragraph, after "28" strike out the comma and insert "of".
X	1	Second sentence (in the amendment) after "every woman" strike out the comma; and after "marriage" strike out the comma; and after "may be dealt with" insert "and disposed of".
	2	The sentence, "Compensation shall be determined in proceedings in a court of record," has been added in lieu of the floor amendment.
XI	6-14	Section numbers 6, 7, 8, 9, 10, 11 and 12 stricken and Sec. 13 renumbered to Sec. 6, Sec. 14 renumbered to Sec. 7.
	7	Old Sec. 7 (paragraph 5 of new section 5), strike out "partisan, racial or religious" and insert "religious, racial or partisan".
	8	Last sentence of old section 8 (paragraph 6 of new section 5), has been moved to second sentence; after "serving in each house, reject" strike out the comma; and in the next sentence, after "CLASSES OF EMPLOYEES" (in the amendment) insert "affected by the increases".
	13	First sentence of old section 13 (new section 6, in the amendment), after "otherwise provided by charter" insert a comma.
	15	Old section 15 transferred to local government article. (section 33 of article VII.)
XII	2	Paragraph 4, first sentence, after "question," strike out "the proposed amendment" and insert "it".
	3	Second paragraph, second sentence, after "vacating the office" insert a period and strike out "if the legislature provides for partisan election of delegates.".
Schedule		After "FOLLOWING SCHEDULE" strike out "IS" and insert "and temporary provisions are"; and after "PERIOD AS" strike out "ITS PROVISIONS REQUIRE" and insert "are thereby required".
	6	Section 6 has been changed somewhat but meaning unchanged; a sentence (not a paragraph) has been added at end of section, incorporating the floor amendment, which sentence reads as follows: "The legislature

viously been section 15 of article XI.)

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.

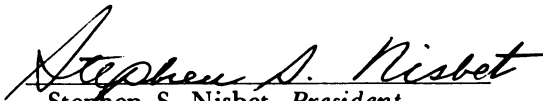
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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-*