# Michigan Constitutional Convention of 1961
# Committee Proposal 88b
# Const 1963, Art 7, § 28

## Relevant Material From the Constitutional Convention Record


Cross-Reference and Indices . . . . . pp. 3436, 3451, 3469-3470

First Reading . . . . . pp. 756, 1059-1064, 1071-1090, 1105-1107, 1890

Second Reading . . . . . pp. 2541-2546

Draft Constitution (Art 7, § 28) . . . . . pp. 3047-3075 (p. 3065)

Third Reading, Article-by-Article . . . . . pp. 3145-3146

Draft Constitution (Art 7, § 28) . . . . . pp. 3215-3237 (p. 3229)

Third Reading, Full Constitution . . . . . pp. 3238, 3300-3301

Adopted Constitution (Art 7, § 28) . . . . . pp. 3319-3353 (pp. 3340-3341)

Address to the People . . . . . p. 3394


## 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.

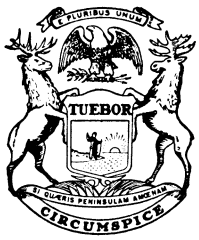
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

# State of Michigan

# CONSTITUTIONAL CONVENTION

# 1961

# OFFICIAL RECORD




FRED I. CHASE
Secretary of the Convention

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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 |
|---|---|---|---|---|
| Preamble | | Preamble | | 14 |
| Art. | Sec. | Art. | Sec. | |
| I | 1 | II | 1 | 15-1 |
| I | 2 | none | | 26 |
| I | 3 | II | 2 | 15-2 |
| I | 4 | II | 3 | 15-3 |
| I | 5 | II | 4 | 15-4 |
| I | 6 | II | 5 | 15-5 |
| I | 7 | II | 6 | 15-6 |
| I | 8 | II | 7 | 15-7 |
| I | 9 | II | 8 | 15-8 |
| I | 10 | II | 9 | 15-9 |
| I | 11 | II | 10 | 15-10 |
| I | 12 | II | 11 | 15-11 |
| I | 13 | II | 12 | 15-12 |
| I | 14 | II | 13 | 15-13 |
| I | 15 | II | 14 | 15-14 |
| I | 16 | II | 15 | 15-15 |
| I | 17 | II | 16 | 15-16 |
| I | 18 | II | 17 | 15-17 |
| I | 19 | II | 18 | 15-18 |
| I | 20 | II | 19 | 15-19 |
| I | 21 | II | 20 | 15-20 |
| I | 22 | II | 21 | 15-21 |
| I | 23 | none | | 15-1 |
| II | 1 | III | 1,2,3 | 58a |
| II | 2 | none | | 58b |
| II | 3 | none | | 58c |
| II | 4 | III | 1,8 | 58d |
| II | 5 | V | 12 | 58e |
| | | VI | 1 | |
| | | VII | 2,9,14 | |
| | | VIII | 3,18 | |
| | | XI | 2,3,6, 7, 16 | |
| II | 6 | III | 4 | 58f |
| II | 7 | III | 9 | 58h |
| II | 8 | III | 8 | 58g |
| II | 9(¶2*) | V | 1 | 118b |
| III | 1 | I | 2 | 10 |
| III | 2 | IV | 1,2 | 21 |
| III | 3 | VI | 11,12 | 18 |
| III | 4 | XV | 1,2,3 | 19 |
| III | 5 | none | | 128 |
| III | 6 | X | 14 | 101 |
| III | 7 | S | 1 | 44a |
| III | 8 | none | | 96k |
| IV | 1 | V | 1 | 118a |
| IV | 2 | V | 2 | 80a |
| IV | 3 | V | 3 | 80b |
| IV | 4 | none | | 80c |
| IV | 5* | none | | ... |
| IV | 6 | V | 4 | 79 |
| IV | 7 | V | 5 | 32 |
| IV | 8 | V | 6 | 112 |
| IV | 9 | V | 7 | 120 |
| IV | 10 | V | 7 | 115 |
| | | V | 25 | |
| IV | 11 | V | 8 | 33 |
| IV | 12 | V | 9,10 | 28 |
| IV | 13 | V | 13 | 116 |
| IV | 14 | V | 14 | 34 |
| IV | 15 | none | | 102c |
| IV | 16 | V | 15 | 102a |
| IV | 17 | none | | 102b |
| IV | 18 | V | 16 | 114 |
| IV | 19 | V | 17 | 117 |
| IV | 20 | V | 18 | 103 |
| IV | 21 | V | 18 | 103 |
| IV | 22 | V | 19 | 35 |
| IV | 23 | V | 20 | 29 |
| IV | 24 | V | 21 | 121 |
| | | V | 22 | 105 |
| IV | 25 | V | 21 | 121 |
| IV | 26 | V | 22 | 105 |
| | | V | 23 | 104 |
| IV | 27 | V | 21 | 121 |
| IV | 28 | V | 22 | 105 |
| IV | 29 | V | 30 | 119 |
| IV | 30 | V | 24 | 41 |
| IV | 31 | none | | 46b |
| IV | 32 | X | 6 | 53 |
| IV | 33 | V | 36 | 70 |
| IV | 34 | V | 38 | 113 |
| IV | 35 | V | 39 | 24 |
| IV | 36 | V | 40 | 108 |
| IV | 37 | none | | 123 |
| IV | 38 | XVI | 5 | 122 |
| IV | 39 | XVI | 5 | 122 |
| IV | 40 | XVI | 11 | 27 |
| IV | 41 | V | 33 | 100 |
| IV | 42 | VIII | 30 | 87 |
| IV | 43 | XII | 9 | 5 |
| IV | 44 | V | 27 | 99 |
| IV | 45 | V | 28 | 106 |
| IV | 46 | none | | 20 |
| IV | 47 | V | 26 | 111 |
| IV | 48 | XVI | 7 | 109 |
| IV | 49 | V | 29 | 110 |
| IV | 50 | none | | 127 |
| IV | 51 | none | | 126 |
| IV | 52 | none | | 125 |
| IV | 53 | VI | 1 | 78 |
| V | 1 | VI | 2 | 2 |
| V | 2 | none | | 71b |
| V | 3 | none | | 71b |
| V | 4 | none | | 71b |
| V | 5 | none | | 71b |
| V | 6 | none | | 71g |
| V | 7 | VI | 10 | 71e |
| V | 8 | VI | 3 | 71d |
| V | 9 | VI | 1 | 71c |
| V | 10 | IX | 7 | 71g |
| V | 11 | IX | 5 | 71f |
| V | 12 | VI | 4 | 3 |
| V | 13 | VI | 6 | 7 |
| V | 14 | VI | 9 | 16 |
| V | 15 | VI | 7 | 8 |
| V | 16 | VI | 8 | 9 |
| V | 17 | VI | 5 | 4 |
| V | 18 | none | | 46a |
| V | 19 | V | 37 | 46c |
| V | 20 | none | | 46d |
| V | 21(¶3*) | VI | 1 | 71a |
| V | 22 | VI | 13 | 17 |
| V | 23 | VI | 21 | 75 |
| V | 24 | none | | 77 |
| V | 25 | VI | 19 | 71b |
| V | 26 | VI | 16,17 | 59,60 |
| V | 27 | VI | 18 | 72 |
| V | 28 | none | | 71h |
| V | 29 | none | | 71i-71A |
| VI | 1 | VII | 1 | 90 |
| VI | 2 | VII | 2,23 | 91a |
| VI | 3 | VII | 2 | 91b |
| VI | 4 | VII | 4 | 91c |
| VI | 5 | VII | 5 | 91d |
| VI | 6 | VII | 7 | 91e |
| VI | 7 | VII | 6 | 91f |
| VI | 8 | none | | 92a |
| VI | 9 | none | | 92b |
| VI | 10 | none | | 92c |
| VI | 11 | VII | 8 | 93a |
| VI | 12 | VII | 9,23 | 93b |
| VI | 13 | VII | 10 | 93c |
| VI | 14 | VII | 11 | 93d |
| VI | 15 | VII | 13 | 94a |
| VI | 16 | VII | 14,23 | 94b |
| VI | 17 | none | | 96a[1] |
| VI | 18 | VII | 12 | 96g |
| VI | 19 | VII | 17 | 96a |
| VI | 20 | VII | 19 | 96b |
| VI | 21 | VII | 9 | 96c |
| VI | 22 | none | | 96l |
| VI | 23 | VII | 20 | 96d |
| VI | 24 | VII | 23 | 96e |
| VI | 25 | IX | 6 | 96h |
| VI | 26 | VII | 15,16, 21 | 96i |
| VI | 27 | VII | 6,11 | 96n |
| VI | 28 | none | | 95 |
| VI | 29 | VII | 18 | 96o |
| VII | 1 | VIII | 1 | 81a |
| VII | 2 | none | | 89 |
| VII | 3 | VIII | 2 | 81b |
| VII | 4 | VIII | 3 | 81c |
| VII | 5 | VIII | 4 | 81d |
| VII | 6 | VIII | 5 | 81e |
| VII | 7 | VIII | 7 | 81f |
| VII | 8 | VIII | 8 | 81g |
| VII | 9 | VIII | 9 | 81h |
| VII | 10 | VIII | 13 | 81j |
| VII | 11 | VIII | 12 | 81i |
| VII | 12 | VIII | 14 | 81k |
| VII | 13 | none | | 81n |
| VII | 14 | VIII | 15 | 81l |
| VII | 15 | none | | 85c |
| VII | 16 | VIII | 26 | 86a |
| VII | 17 | VIII | 16 | 82a |
| VII | 18 | VIII | 17,18 | 82b,c |
| VII | 19 | VIII | 19 | 82e |
| VII | 20 | none | | 82d |
| VII | 21 | VIII | 20 | 83a |
| VII | 22 | VIII | 21 | 83b |
| VII | 23 | VIII | 22 | 83c |
| VII | 24 | VIII | 23 | 83e |
| VII | 25 | VIII | 25 | 83f |
| VII | 26 | VIII | 25 | 83d |
| VII | 27 | VIII | 31 | 88a |
| VII | 28 | VIII | 31 | 88b |
| VII | 29 | VIII | 28 | 85a |
| VII | 30 | VIII | 29 | 85b |
| VII | 31 | VIII | 27 | 86b |
| VII | 32 | none | | 57 |
| VII | 33 | IX | 8 | 42e |
| VII | 34 | none | | 84 |
| VIII | 1 | XI | 1 | 1 |
| VIII | 2 | XI | 9 | 30 |
| VIII | 3 | XI | 2,6 | 47 |
| VIII | 4 | XI | 10 | 98a |
| VIII | 5 | XI | 3,4,5, 7,8,16 | 98b |
| VIII | 6 | none | | 98c |
| VIII | 7 | none | | 98d |
| VIII | 8 | XI | 15 | 13 |
| VIII | 9 | XI | 14 | 31 |
| IX | 1 | X | 2 | 50 |
| IX | 2 | X | 9 | 54 |
| IX | 3 | X | 3,4,7,8 | 51 |
| IX | 4 | none | | 51 |
| IX | 5 | X | 3,5 | 52 |
| IX | 6 | X | 21 | 56 |

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85: Cont'd.
Feb. 15, considered, amended, passed by committee of the whole ..... 1090-1091
Feb. 16, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting ..... 1107
Mar. 27, reported by style and drafting (Report 43); placed on order of second reading ..... 1890
Apr. 17, read second time; passed; rereferred to style and drafting ..... 2538-2540

86. A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27.
For text as offered and reasons ..... 1057
As referred to style and drafting ..... 1057
As reported by style and drafting ..... 2540
As rereferred to style and drafting ..... 2540
Feb. 2, reported by local government; referred to committee of the whole ..... 756
Feb. 14, read first time; considered, passed by committee of the whole ..... 1057-1059
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting .. 1065
Mar. 27, reported by style and drafting (Report 44); placed on order of second reading ..... 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting ..... 2540

87. A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged.
For text as offered and reasons ..... 1059
As referred to style and drafting ..... 1059
As reported by style and drafting ..... 2540
As rereferred to style and drafting ..... 2540
Feb. 2, reported by local government; referred to committee of the whole ..... 756
Feb. 14, read first time; considered, passed by committee of the whole ..... 1059
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting ..... 1065
Mar. 27, reported by style and drafting (Report 45); placed on order of second reading ..... 1890
Apr. 17, read second time; passed; rereferred to style and drafting ..... 2540-2541

88. A proposal pertaining to metropolitan areas. Amends article VIII.
For text as offered and reasons ..... 1059
As referred to style and drafting ..... 1107
As reported by style and drafting ..... 2541
As rereferred to style and drafting ..... 2545
Feb. 2, reported by local government; referred to committee of the whole ..... 756
Feb. 14, read first time; sections a, b considered; section a passed by committee of the whole .. 1059-1064
Feb. 15, section b considered, amended, passed; committee proposal as amended considered, passed by committee of the whole ..... 1071-1090
Feb. 15, reported by committee of the whole with 1 amendment; amendment concurred in ..... 1105
Feb. 16, considered; referred to style and drafting 1107
Mar. 27, reported by style and drafting (Report 46); placed on order of second reading ..... 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting ..... 2541-2546

89. A proposal pertaining to county home rule. Amends article VIII.
For text as offered and reasons ..... 1091
For minority report and reasons ..... 1092
As referred to style and drafting ..... 1133
As reported by style and drafting ..... 2546
As rereferred to style and drafting ..... 2551
Feb. 2, reported by local government; referred to committee of the whole ..... 756
Feb. 15, read first time; section a considered, amended by committee of the whole ..... 1091-1105
Feb. 16, section b considered, amended; committee proposal as amended considered, passed by committee of the whole ..... 1107-1108
Feb. 16, reported by committee of the whole with 2 amendments; amendments concurred in; amended; referred to style and drafting ..... 1111-1133

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89: Cont'd.
Mar. 27, reported by style and drafting (Report 47); placed on order of second reading ..... 1891
Apr. 17, read second time; amended, passed; rereferred to style and drafting ..... 2546-2551

90. A proposal pertaining to the judicial branch. A substitute for section 1 of article VII.
For text as offered and reasons ..... 1240
For minority report and reasons ..... 1241
As referred to style and drafting ..... 1240
As reported by style and drafting ..... 2672
As rereferred to style and drafting ..... 2672
Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757
Feb. 22, read first time; considered, passed by committee of the whole ..... 1240-1256
Feb. 22, reported by committee of the whole without amendment; referred to style and drafting. 1260-1261
Apr. 6, reported by style and drafting (Report 52); placed on order of second reading ..... 2191
Apr. 23, read second time; passed; rereferred to style and drafting ..... 2672-2673

91. A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII.
For text as offered and reasons ..... 1256
For minority reports and reasons ..... 1259
As referred to style and drafting ..... 1620
As reported by style and drafting ..... 2722
As rereferred to style and drafting ..... 2736
Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757
Feb. 22, read first time; sections a, b considered; section a postponed by committee of the whole. 1256-1260
Feb. 23, sections b, c considered, amended, passed by committee of the whole ..... 1262-1274, 1275-1287
Feb. 26, sections d, e, f considered; section d passed; sections e, f amended, passed by committee of the whole ..... 1289-1312
Feb. 27, section g considered, amended by committee of the whole ..... 1313-1342
Feb. 28, section a considered; consideration postponed by committee of the whole ..... 1343-1355
Mar. 9, section a considered by committee of the whole ..... 1564-1566
Mar. 12, section a considered by committee of the whole ..... 1569-1595
Mar. 13, sections a, g considered, amended, passed; committee proposal as amended considered, passed by committee of the whole ..... 1596-1604
Mar. 13, reported by committee of the whole with 8 amendments; amendments concurred in; referred to style and drafting ..... 1617-1620
Apr. 6, reported by style and drafting (Report 53); placed on order of second reading ..... 2191
Apr. 24, read second time; amended, passed; rereferred to style and drafting ..... 2722-2737

92. A proposal pertaining to a court of appeals. Amends article VII.
For text as offered and reasons ..... 1604
As referred to style and drafting ..... 1616
As reported by style and drafting ..... 2673
As rereferred to style and drafting ..... 2673
Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757
Feb. 28, consideration postponed by committee of the whole ..... 1355
Mar. 13, read first time; considered, passed by committee of the whole ..... 1604-1609
Mar. 13, reported by committee of the whole without amendment; amended; referred to style and drafting ..... 1611-1617
Apr. 6, reported by style and drafting (Report 54); placed on order of second reading ..... 2191
Apr. 23, read second time; passed; rereferred to style and drafting ..... 2673-2675

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Article 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

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Article VII, Section 28: Cont'd.
For text as adopted ..... 3340
For text, and comments in address to the people .... 3394

Section 29. Highways, streets, alleys, public places; control, use by public utilities. (Committee Proposal 85a)
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 ..... 3341
For text, and comments in address to the people .... 3394

Section 30. Franchises and licenses, duration. (Committee Proposal 85b)
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 ..... 3341
For text, and comments in address to the people .... 3394

Section 31. Vacation or alteration of roads, streets, alleys, public places. (Committee Proposal 86b)
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 ..... 3341
For text, and comments in address to the people .... 3394

Section 32. Budgets, public hearing. (Committee Proposal 57)
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 ..... 3341
For text, and comments in address of the people .... 3394

Section 33 (originally section 15 of article XI). Removal of elected officers. (Committee Proposal 42e)
May 7, reported (as section 15 of article XI); placed on order of third reading ..... 3045
May 9, read third time; passed .....3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 33); placed on order of third reading; considered read third time; passed .....3213-3275
Aug. 1, considered; adopted .....3291-3301
For text as adopted ..... 3341
For text, and comments in address to the people .... 3394

Section 34 (originally section 33). Construction of constitution and law concerning counties, townships, cities, villages. (Committee Proposal 84)
May 7, reported (as section 33); 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 (as section 34); placed on order of third reading; considered read third time; passed .....3213-3275
Aug. 1, considered; adopted .....3291-3301
For text as adopted ..... 3341
For text, and comments in address to the people .... 3395

ARTICLE VIII. Education. (Committee Proposals 1, 13, 30, 31, 47 and 98a, b, c, d)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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

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Article VIII: Cont'd.
Aug. 1, considered; adopted .....3291-3301
For text as adopted .....3341-3343
For text, and comments in address to the people 3395-3397

Section 1. Encouragement of education. (Committee Proposal 1)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3341
For text, and comments in address to the people .... 3395

Section 2. Free public elementary and secondary schools; discrimination. (Committee Proposal 30)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3341
For text, and comments in address to the people .... 3395

Section 3. State board of education; duties. Superintendent of public instruction; appointment, powers, duties. State board of education; members, nomination, election, term. Boards of institutions of higher education, limitation. (Committee Proposal 47)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3342
For text, and comments in address to the people .... 3395

Section 4. Higher education institutions; appropriations, accounting, public sessions of boards. (Committee Proposal 98a)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3342
For text, and comments in address to the people .... 3396

Section 5. University of Michigan, Michigan State University, Wayne State University; controlling boards. (Committee Proposal 98b)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3342
For text, and comments in address to the people .... 3396

Section 6. Other institutions of higher education, controlling boards. (Committee Proposal 98c)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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 ..... 3342
For text, and comments in address to the people .... 3396

Section 7. Community and junior colleges; state board, members, terms, vacancies. (Committee Proposal 98d)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed .....3146-3149
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

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|---|---|---|
| Dehnke | Krolikowski | Sablich |
| DeVries | Kuhn | Sleder |
| Donnelly, Miss | Leibrand | Snyder |
| Doty, Donald | Lesinski | Stopczynski |
| Douglas | Liberato | Suzore |
| Downs | Lundgren | Walker |
| Elliott, Mrs. Daisy | Madar | Wilkowski |
| Faxon | Mahinske | Wood |
| Follo | Marshall | Young |
| Ford | McAllister | Youngblood |

Nays — 71

| | | |
|---|---|---|
| Allen | Gust | Richards, L. W. |
| Andrus, Miss | Hannah, J. A. | Romney |
| Anspach | Haskill | Rood |
| Batchelor | Hatch | Rush |
| Beaman | Hubbs | Seyferth |
| Bentley | Hutchinson | Shackleton |
| Boothby | Iverson | Shaffer |
| Brake | Judd, Mrs. | Shanahan |
| Conklin, Mrs. | Karn | Sharpe |
| Cudlip | Kirk, S. | Spitler |
| Cushman, Mrs. | Knirk, B. | Stafseth |
| Danhof | Koeze, Mrs. | Staiger |
| Davis | Leppien | Sterrett |
| Dell | Martin | Stevens |
| Durst | McCauley | Tubbs |
| Elliott, A. G. | McGowan, Miss | Turner |
| Erickson | McLogan | Tweedie |
| Everett | Millard | Upton |
| Farnsworth | Nisbet | Van Dusen |
| Figy | Page | Wanger |
| Finch | Pollock | White |
| Gadola | Powell | Woolfenden |
| Goebel | Prettie | Yeager |
| Gover | Richards, J. B. | |

On the motion to reconsider, the yeas are 60; the nays are 71.

PRESIDENT NISBET: The motion does not prevail.

**Reports of standing committees.**

SECRETARY CHASE: The secretary would like to suggest that, without objection, all of the remaining committee reports will have been processed this afternoon, and if it is agreeable with the convention, could be included in the journal of today, so that they will be on the general orders calendar for Monday.

PRESIDENT NISBET: Without objection, they will be so included in the journal, considered read, referred to the committee of the whole and placed on general orders.

*Following are the remaining committee proposals and exclusion reports introduced January 31, 1962, which were considered read, referred to the committee of the whole and placed on general orders:*

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
**Committee Proposal 67,** A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

*For Committee Proposal 67 and the reasons submitted in support thereof, see below under date of April 18.*

Mr. Martin, for the committee on executive branch, introduced
**Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7; with the recommendation that it pass.

John B. Martin, chairman.

*For Committee Proposal 71 and the reasons submitted in support thereof, see below under date of March 20.*

[**Committee Proposal 73** withdrawn by committee.]

Mr. Martin, for the committee on executive branch, introduced
**Committee Proposal 77,** A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

*For Committee Proposal 77 and the reasons submitted in support thereof, see below under date of March 19.*

Mr. John Hannah, for the committee on legislative organization, introduced
**Committee Proposal 79,** A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4; with the recommendation that it pass.

John A. Hannah, chairman.

*For Committee Proposal 79 and the reasons submitted in support thereof, see below under date of March 30.*

Mr. John Hannah, for the committee on legislative organization, introduced
**Committee Proposal 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;
with the recommendation that it pass.

John A. Hannah, chairman.

*For Committee Proposal 80 and the reasons submitted in support thereof, see below under date of April 2.*

Mr. A. G. Elliott, for the committee on local government, introduced
**Committee Proposal 86,** A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27; with the recommendation that it pass.

Arthur G. Elliott, chairman.

*For Committee Proposal 86 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
**Committee Proposal 87,** A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

*For Committee Proposal 87 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
**Committee Proposal 88,** A proposal pertaining to metropolitan areas. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

*For Committee Proposal 88 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
**Committee Proposal 89,** A proposal pertaining to county home rule. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

*For Committee Proposal 89 and the reasons submitted in support thereof, see below under date of February 15.*

CHAIRMAN DeVRIES: Are there any amendments to Committee Proposal 86? If not, it will pass.

Committee Proposal 86 is passed.

The secretary will read Committee Proposal 87.

SECRETARY CHASE: Item 5 on the calendar, from the committee on local government, by Mr. Arthur Elliott, chairman, **Committee Proposal 87,** A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged.

*Following is Committee Proposal 87 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 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.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 87:

Sec. a. The committee recommends that article VIII, section 30, be retained as it is in the present constitution. A suggestion is made, however, to the committee on style and drafting that it consider whether this section should not be made a subsection of article X, section 14.

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

MR. A. G. Elliott: Mr. Chairman, I would like to yield to Mr. Batchelor.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Batchelor.

MR. BATCHELOR: Mr. Chairman, fellow delegates, I have 2 ears, 2 eyes, but only 1 mouth so this should be short. This will be found in Journal 71, on page 461, and is known as article VIII, section 30.

The legislature did not provide for this — the constitution did not provide for this. It did not appear in the 1835 or 1850 constitution, but was added by an amendment as a new section at the April, 1923 election. There have been no significant court decisions. The provision itself does not appear to have created any problems which may have been encountered by port districts in Michigan. The constitutional grant of authority to the legislature is comprehensive.

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

CHAIRMAN DeVRIES: Are there any amendments to section a of Committee Proposal 87? Are there any amendments to the body of Committee Proposal 87? If not, it will pass.

Committee Proposal 87 is passed.

The secretary will read Committee Proposal 88.

SECRETARY CHASE: From the committee on local government, by Mr. Arthur Elliott, chairman, **Committee Proposal 88,** A proposal pertaining to metropolitan areas. Amends article VIII.

*Following is Committee Proposal 88 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 HAVE POWER TO ESTABLISH IN METROPOLITAN AREAS SUCH ADDITIONAL FORMS OF GOVERMENT OR AUTHORITIES WITH SUCH POWERS, DUTIES AND JURISDICTIONS AS THE LEGISLATURE SHALL DEEM NECESSARY.

WHEREVER POSSIBLE, SAID ADDITIONAL FORMS OF GOVERNMENT OR AUTHORITIES SHALL BE DESIGNED TO PERFORM MULTIPURPOSE FUNCTIONS RATHER THAN A SINGLE FUNCTION.

Sec. b. THE LEGISLATURE SHALL PROVIDE BY GENERAL LAW FOR THE EXERCISE OF LOCAL GOVERNMENT BY 2 OR MORE COUNTIES, CITIES, VILLAGES, TOWNSHIPS OR DISTRICTS, OR ANY COMBINATION OF 2 OR MORE OF SUCH UNITS OF LOCAL GOVERNMENT. UNDER SUCH GENERAL LAW SUCH UNITS OF LOCAL GOVERNMENT SHALL HAVE POWER:

(1) 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 LOCAL UNIT OF GOVERNMENT WOULD HAVE THE POWER TO PERFORM SEPARATELY;

(2) TO SHARE THE COSTS AND RESPONSIBILITIES OF FUNCTIONS AND SERVICES WITH ONE ANOTHER OR WITH THE STATE OR WITH ANY COMBINATION THEREOF WHICH EACH LOCAL UNIT OF GOVERNMENT WOULD HAVE THE POWER TO PERFORM SEPARATELY;

(3) TO TRANSFER TO EACH LOCAL UNIT OF GOVERNMENT OR COMBINATION THEREOF FUNCTIONS AND RESPONSIBILITIES OR BOTH UPON THE CONSENT OF EACH UNIT OF GOVERNMENT INVOLVED;

(4) JOINTLY TO COOPERATE WITH ONE ANOTHER AND WITH STATE GOVERNMENT AND INTERGOVERNMENTAL AGENCIES;

(5) TO LEND THEIR CREDIT IN A MANNER PRESCRIBED BY LAW IN CONNECTION WITH ANY PUBLICLY OWNED UNDERTAKING AUTHORIZED HEREIN.

ANY OTHER PROVISION OF THIS CONSTITUTION NOTWITHSTANDING, AN OFFICER OR EMPLOYEE OF ANY OF SAID UNITS OF GOVERNMENT OR SUBDIVISION OR AGENCY THEREOF MAY SERVE ON OR WITH ANY GOVERNMENTAL BODY ESTABLISHED FOR THE ABOVE PURPOSES AND SHALL NOT BE REQUIRED TO RELINQUISH HIS OFFICE OR EMPLOYMENT BY REASON OF SUCH SERVICE.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 88:

Sec. a. This section is designed to replace existing section 31 which has been deleted. Section 31 has rarely been used, omits the county, is too complicated, and serves very little purpose. A number of specific forms for metropolitan government were proposed to the committee but each suffered the defect of being too specific. Rather than attempt to write into the constitution a definite plan for metropolitan government, the committee believed this section should be left broad and flexible. Therefore, the committee recommends that the legislature be permitted from time to time to establish such form or forms of metropolitan government as would best serve the purpose then existing. This committee was impressed with the fact that while there has been considerable discussion about metropolitan governmental problems, opinion has not yet jelled as to their solution. The committee recommends against the solution of each problem of government through the creation of a separate new governmental body. Therefore, the last sentence advises that when the legislature establishes a new unit of government for the solution of metropolitan problems, it should be established with sufficient jurisdiction and power to handle multipurpose functions rather than for single purpose. It is intended that this will prevent the creation of a number of separate governmental units, each serving one purpose only. While no specific mention is made of the fact, the committee was of the opinion that the county with its all inclusive jurisdiction was probably the most effective instrument through which to establish any new metropolitan form of government.

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

Sec. b. This section is designed to encourage the solution of metropolitan problems through existing units of government rather than creating a fourth layer of local government. Any combination of townships, cities, villages or counties are permitted under general law to join together through (a) contractual agreements to perform any function which each could separately perform, (b) share costs with one another or with the state, (c) transfer functions, (d) cooperate, and (e) lend credit in connection with any publicly owned undertaking. All of the powers given are by mutual agreement and consent of the local units of government involved and no local unit is forced or compelled to enter into any agreement without its consent. The powers granted are not self executing but require an act of the legislature which from time to time may add additional authority or may limit the same to prevent abuses. Thus flexibility and control is maintained. The last sentence of the section permits elected officials of counties, cities or townships of the state to serve on any board or governmental body without being forced to resign his elected position or being in conflict with the prohibitions of section 6 of article V of the present constitution.

Whether such arrangements can meet the needs of metropolitan districts will depend upon the powers and strength of each and every unit within the district.

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

MR. A. G. ELLIOTT: Mr. Chairman, I would like to yield to the subcommittee chairman of metropolitan government and intergovernmental relations, Mr. Allen.

CHAIRMAN DeVRIES: Delegate Elliott yields to the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Mr. Chairman and members of the committee, this proposal and its comments will be found on pages 461 and 462 of the journal. Your subcommittee was composed of Mr. Brake, Mr. Sharpe, Mrs. Cushman and myself. Just very briefly before I turn the first section over to Mrs. Cushman for further explanation: metropolitan government, briefly, is a government which exists in densely populated areas, where there are many political subdivisions. We have about 10 areas classified in Michigan as being metropolitan areas.

Now, there is no one solution to the metropolitan governmental problem. There are many solutions, and some of them we have already gone through. For example, one solution is to strengthen your local units of government, and this in preceding sections your full committee has attempted to do. Another solution is to strengthen and free up your large unit of government, which is your county, and this will come later when we hit the problem of so called county home rule. Another solution is to permit freedom of action between the various political subdivisions in the state — that is the long part of this proposal, which will be explained in more detail — so as to allow them to freely work with one another rather than to be restricted. Another solution is to free up the state so as to take out anything that clutters up the power of the state to move in if state moving in appears to be necessary.

This is the reason why we are suggesting that the old section, section 31, be taken out. It all boils down to this: that metropolitan government is not what so many people think it is only, and that is a super government or a fourth layer of government which exists in addition to the city-township-county level of government which we have today. It may be necessary for the legislature to authorize such types of special corporations or districts, but it is a lot more than that. And with these comments, because I think that what we have already done, plus what we have here, is a genuine attempt to handle this problem of government in densely populated areas where there are many governmental units, I think collectively taken we have gone a long way to free up the legislature and the local units so that the problem can be better handled than it is under the 1908 constitution. I will call on Mrs. Cushman for an explanation of section a.

CHAIRMAN DeVRIES: Before the Chair calls on Mrs. Cushman, may the Chair request that you give the Chair time to recognize you and state your name? This is absolutely necessary for the accurate transcription of the verbatim debates of this convention. Delegate Allen yields to Delegate Cushman.

MRS. CUSHMAN: This first section is designed to replace section 31 of the present constitution, and that is covered by an exclusion report that we will get to later on. But when we looked into this question, we were impressed by the fact that section 31, which was added as an amendment to the constitution in 1927, hasn't been used. In fact, after 35 years there were only something like 5 metropolitan authorities operating under it. These are small in area and in population. It just proved too difficult to operate under this particular section. It is too complicated as to procedure. It doesn't include the counties at all, and it lists purposes very specifically so as to exclude others. The result has been that almost all the metropolitan authorities that we have had have been formed under a general law that was written in, I think '29, and also under special acts. One of these special acts was the one that was responsible for the Huron-Clinton metropolitan authority, which is one of the biggest we have and covers 5 counties in our part of the state for the purpose of providing park facilities for us all.

When it came to the question of what to put in place of this provision 31, we had several possible alternatives. There are several states that have provisions in this area that we might have sort of adapted to our use, but we felt that we — really, when we looked into it, we were impressed with the fact that there isn't enough experience, really, to know which type of a metropolitan authority would be the best for Michigan, if one were needed. Furthermore, we were impressed with the fact that every metropolitan authority should be adapted to the particular area in which it is to be used. Therefore we felt that we wanted to put something in here that was extremely broad and extremely flexible.

As Mr. Allen has said, he is going to cover other arrangements. This is just a sort of provision that allows the legislature to establish in metropolitan areas these additional forms of government or authorities with such powers and duties and jurisdictions as the legislature may deem necessary. I don't know whether there are any particular questions.

Oh, I want to say one thing. We do direct that whenever possible any authorities formed should be multipurpose; that is, we want to discourage as much as possible a lot of districts or a lot of authorities, each with a specific purpose in mind. We would like to encourage when possible districts or authorities which have more than one purpose, thus avoiding the duplication of units of government. If there are any questions, I am sure that I will do my best, or Mr. Allen will answer them.

CHAIRMAN DeVRIES: Delegate Cushman yields to the gentleman from Ann Arbor, Delegate Pollock.

MR. POLLOCK: Mr. Chairman, I would like to ask Mrs. Cushman these 2 questions: Mr. Allen referred to covering intergovernmental relations including the state. Now it happens to be in the local government section, and it seems to me that it has adequately covered relations within an area, a local government area, but do I understand that the state's interest in this matter is limited merely to the legislature's providing by law for this? It seems to me not to consider, maybe, the possible interest of the stake of the state itself in the metropolitan area, in addition to the interests of all its local units. The state at no place is mentioned except you say the legislature, which is obviously the organ of the state.

CHAIRMAN DeVRIES: Delegate Cushman.

MRS. CUSHMAN: I am sorry, I don't quite get what you mean. You aren't referring to section b? You are referring to section a?

MR. POLLOCK: Yes, I am referring to section a. In other words, intergovernmental relations, as you are well aware, is a broad subject. It involves not merely units of local govern-

ment, but it involves relationships between state and local government, states between themselves, and even a state with a foreign country. When I appeared before your committee, I proposed something that would cover all of these situations. Am I correct in understanding your proposal that this only relates to the relations within a metropolitan area?

MRS. CUSHMAN: Well, section a only relates to the power of the legislature to establish in metropolitan areas such additional forms of government or authorities as they may deem necessary. It doesn't relate to relations between these units of government at all. That is covered in b.

MR. POLLOCK: Let's assume, then, you have a problem relating to Detroit and Windsor. How does this proposal handle that?

MRS. CUSHMAN: Well, I still — I would like to yield to Mr. Allen on that, but this section a I don't feel covers that area at all. I think it is quite different.

CHAIRMAN DeVRIES: Delegate Cushman yields to Delegate Allen.

MR. ALLEN: Dr. Pollock, we will get into that when we hit section b. It is not covered in a. I think your question would be proper when we hit b.

MR. POLLOCK: Thank you. I couldn't discover it in b either. That is why I asked the question.

MR. ALLEN: You may be right on that.

CHAIRMAN DeVRIES: Will Delegate Cushman yield to Delegate Brake? Delegate Brake.

MR. BRAKE: Dr. Pollock, I got up before you started to go international, when you were just talking state, to suggest that unless in this constitution the state were forbidden to participate in a metropolitan area of government, it would certainly have the power to do so. For the local units we may have to specify that they have the power, but we certainly would not have to specify that power in the state because it surely has it.

CHAIRMAN DeVRIES: Dr. Pollock.

MR. POLLOCK: I think that is a very sufficient answer, and I have a second question. I take it then, that the committee, having this whole proposal of intergovernmental relations before it, did limit its consideration to the state of Michigan and local units, and did not attempt to get into the wider field of interstate or state-foreign. Am I correct?

MR. ALLEN: You are correct, Dr. Pollock.

MR. POLLOCK: And then this question presumably must be considered by some other committee, and somehow the convention must have the matter before it; otherwise we are omitting this important field.

MR. ALLEN: We knew we had a distinguished committee on emerging problems.

MR. POLLOCK: Thank you.

CHAIRMAN DeVRIES: Are there any amendments to section a of Committee Proposal 88? If not, it will pass.

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

SECRETARY CHASE: Section b.

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

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

MR. ALLEN: Mr. Chairman, I think the comments on page 462 cover the subject matter pretty well, but just let me make a couple of other comments on this section. One thing you will notice that we have done here is that everything is voluntary. There is no compulsion. Every one of these subsections takes mutual agreement between the units which get together. It must be an agreement by contract, an agreement by contract to share costs, or to undertake a common undertaking, or to cooperate with one another, or to transfer services. There is nothing compulsory. The second point is that in order to prevent what you might call governmental leap frogging, the 2 units which get together must get together for a project or a function which each unit has the power to do. In other words, we aren't allowing a smaller unit of government which has no power to contract with a larger unit of government which does have power. If we did, some people think we might be doing what we call leap frogging. Now, if it is felt that this is too restrictive, you see, the legislature may step in and add to the power of one of the units which wishes to contract which may not have the power. So we have a regulator on this matter.

Now, at the bottom of the page you may wonder why we have all this verbiage about allowing an officer to serve on any intergovernmental or governmental bodies established for these purposes. The reason for this is that when you get governmental units together, you usually come up with something like, for example, a planning board, and it is very advantageous to have on this planning board a supervisor or the chairman of the board of supervisors or a city mayor or, if the state is involved in some way, someone from the state. It has been found in other states that the prohibition against holding more than 2 offices would prevent it. These aren't high salaried jobs by any means. They are usually either service free or on a per diem basis. So just in case that article V, section 30, I think it is, would prevent this, we have tried to clear the matter up in this latter language. I will be glad to answer any questions.

CHAIRMAN DeVRIES: Are there any amendments to section b of Committee Proposal 88? The gentleman from St. Louis, Delegate Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, I am a little concerned about the language in section b. Just to make sure that the delegates fully appreciate what this proposal will do, I should call to your attention section 14 of article X, which relates to the subject of internal improvements. You have a proposal which will be up for consideration, which is Committee Proposal 101, on this particular subject, which, if you adopt this proposal and its intent, will completely eliminate and provide that the state can share in the cost of internal improvements at the local level.

Under our proposal, and under the constitution as it now stands, there is a prohibition against the state engaging in internal improvements. Then it is followed by 4 sections in which the state can engage in certain types of internal improvements. It was the thought of our committee that there should be certain safeguards against the legislature engaging in internal improvements in certain areas of the state that were not of a benefit to the entire state. We did in our proposal, however, provide that local units of government could join together and engage in internal improvements at their own expense. Now, under this proposal, if you read it, you will find that the state can engage in internal improvements in the local communities and pay part of the cost for those improvements in the local communities; they even can pledge the credit of the state in relation to those particular projects.

I think it is a basic problem that you are faced with. Do you want the state of Michigan to become involved in internal improvements that only affect a certain area, in other words, a county or a group of counties? I think those counties should have the right to do that. I think that phase of the proposal is correct. However, I do think the thing that you should consider is do you think it is proper for the legislature to become engaged in the expense of those internal improvements in local areas? This proposal we have, 101, will restrict the legislature from engaging in certain internal improvements, except those that are enumerated, but our proposal does grant to local units of government or combinations of counties, cities, or what not, the authority to engage in those internal improvements at their own expense. And that is the difference between our proposal and the proposal you have before you.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Hoxie, I don't think, the way this is written, it will conflict; though I do think that this whole provision on internal improvements presents some problems, and I don't know how we are going to be able to work it out without working one of them out first. The reason I say I doubt that it conflicts is that if we start up at the top on section b it provides that the legislature, by general law, will provide for exercise of local government by 2 or more — and then it means the local units of government — counties, cities, villages, townships or districts, and you will notice there it

doesn't mention the state. And then it says that under this law these units will have power to do this, that and the other thing; and also provides that whatever they do it must be something that each may do.

Now, if the state is prevented by the internal improvement section of section 14 from entering into a contractual obligation, it couldn't be compelled to under this, because under this arrangement, you see, it has to be a power which each of the contracting parties would have, and if the state doesn't have it, I don't think that under this language it would occur. In other words, this is limited to the power which each of the contracting parties has. If the state doesn't have it, you don't run into the problem.

Now, it could be that someone will say, well, there should be that power, but we will have to battle that out when your committee comes in. As I construe this, we would not have the state entering in unless it had the power.

CHAIRMAN DeVRIES: Delegate Allen yields to Delegate Hoxie.

MR. HOXIE: Mr. Allen, it would appear to me that — let's assume that proposal is adopted, and Committee Proposal 101, relative to internal improvements, is adopted, which provision of the constitution, provided the constitution is adopted, would prevail? Now, I can't read the language any other way than when you provide that under such general laws such units of local government shall have power to — and enumerate the local units of government, or with the state, or any combination thereof — subsection 2 — to share the costs and responsibilities and functions and services. All the way through it is referring to all the units, the local units of government along with the state engaging in this type of activity with a sharing cost basis. I don't know how you can interpret anyway but what the state is involved, and again are bound to lend their credit and so forth.

MR. ALLEN: Well, you see, this is qualified, in which each local unit of government would have the power to perform separately. I suppose that you are going to say right back to me: all right, that says local unit; it doesn't say the state. Would it cure your objection if the word "local" was dropped out and "each unit"?

MR. HOXIE: Well, I don't think that makes any difference. I think the state is involved, with the adoption of this proposal, in entering into agreements and the functions of these various types of improvements, or whatever you might call them, and the state is involved financially, or can be under the wording of this provision. It opens the doors so the state can be involved financially. Are you agreeable to that, sir?

MR. ALLEN: I am not. I am not agreeable to that.

CHAIRMAN DeVRIES: For what purpose does the gentleman from Ann Arbor arise?

MR. POLLOCK: I would like to ask Mr. Hoxie and Mr. Allen a question.

CHAIRMAN DeVRIES: You may if they care to answer.

MR. POLLOCK: I appreciate Mr. Hoxie's question, and I think it is very important, because we must somewhere settle the power and place of the state, and I suggest that the proper place is in connection with the section which I believe he is presenting on internal improvements. But certainly, as we look into the future, if we are wanting to stop the continued intrusion of the federal government into local affairs we are going to have to involve the state more. And we want to be sure, too, that if there is federal money to be granted, it frequently is granted to the states for distribution to the localities, and I would want to be sure that in matters involving metropolitan affairs, that the state was there with power to act under the circumstances.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: I don't know where we go. We have sort of a dispute between what this says. It would seem to me, Delegate Hoxie, that if the state is precluded from entering into an agreement by your section, then it could not enter into an agreement under this section.

CHAIRMAN DeVRIES: Delegate Hoxie.

MR. HOXIE: No. Under the internal improvement section the state could not be a party to any work of internal improvement in carrying out such work. In other words, then, there are certain exceptions whereby they engage in public roads, harbors of refuge, waterways, airways, and so forth.

Now, I don't object to local units of government or areas of the state engaging in improvements, but I don't think that this constitution should open the door to the extent where every section of our state should come before the legislature and ask for a grant of money to carry out that improvement at the local level.

I might tell you a little story which Ed Hutchinson is very familiar with, just to emphasize what I am referring to. Some few years ago we had a proposal to submit to the people a bond issue for the sum of $65 million. Even though the bond proposal did not directly refer to any certain sum for tuberculosis bed space, in the senate there was that discussion of using $5 million. In fact, the original bond issue as passed by the house, or the proposal to submit to the people, was increased from $60 to $65 million. The end result was after the people endorsed the borrowing of $65 million for mental health, $5 million of that money was divided up among the various tuberculosis institutions in this state, and that is the county as well as the state, and the end result is today we have more tuberculosis beds than there is any need for.

That is just exactly how a jackpot can be divided up, and it is my opinion that if you open the doors wide enough and leave it completely up to the legislature, and take all restraints away, you will find that different groups will get together and say: you give me this over in my area and I will give you something in another area. In the testimony we had, they even went to the extent of considering the state going into the construction of buildings for the purpose of encouraging industry to come to Michigan; things of that nature.

Now, if you want the state to be financially responsible to engage in every type of activity, then you should adopt this proposal, and we will ask for our proposal to be killed when it comes up for consideration.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Chairman, I think all this provision says is that the local units of government, if they care to do so, may enter into contracts with the state for any purpose which the state is empowered to enter into. In other words, this is not creating power for the state. The state, under the way you have written section 14 of article X, is permitted to do certain things, and it is not permitted to do other things. All this says is on those things which the state is permitted to do, if the state wants to do them in cooperation with the local units, they may do so. If they prefer to go it alone and take the whole cost alone, the state may do so, providing it is a function which the state may do under your section 14. In other words, I think the proper construction of this is not to grant power to the state, but only to allow the state to enter into arrangements with local units, if the state wants to, in a field which the state is permitted to do so. It does not create new fields to the state.

CHAIRMAN DeVRIES: Will Delegate Allen yield to the vice president, Delegate Hutchinson? Delegate Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I wanted to raise another problem here in connection with section b. The chairman of the committee and I were here discussing it. I don't know whether he was trying to talk me out of presenting my point or not, but I am going to do it anyway. It is this, and I guess I can put it in these words. I want to compliment the committee on local government in writing a very good statute, and that is what I think it is when you begin to enumerate all these things that can take place by one of these combinations. There won't be anything left for the legislature to write into its law except simply to copy practically verbatim these 5 subdivisions of the paragraph, of the section.

Certainly the legislature would not feel itself empowered to enlarge upon those 5, nor could it deny any 1 of the 5, and all you have done here is write a statute. At that point, as I was pointing out to the chairman of the committee when I was recognized to make this argument, you might just as well not provide for the legislative motion of passing an act any-

way, since there won't be any decision for the legislature to make here at all, except the overall one as to whether or not there shall be any such act in the first place. But certainly, it is to be expected that anything with as great detail, and so on, in the constitution as this, it would be expected that the legislature will pass such an act. And I come back to my opening statement. I think that the committee has written a very good statute, and I don't like to see statutes written into the constitution.

I think that the first section here, section a, particularly the first paragraph, is excellent constitutional material, and I think, though, that section b could be immeasurably improved from a constitutional standpoint if it were rewritten with all of this legislative verbiage left out and maybe we could have a pretty good provision here. But I don't think it is good the way it stands.

CHAIRMAN DeVRIES: Mr. Allen.

MR. ALLEN: I think the main point we wanted to get across is that we wanted to encourage free cooperation and freedom of exchange of cost sharing, and transfer of functions and so on between the various units involved. I don't think our committee has any great pride of authorship. It seemed to our committee that this was the best way to get the thing out on the floor. And furthermore, not being experts in style and drafting, and knowing we have a fine committee on style and drafting, we thought, of course, that they might be able to improve it.

Now, I don't believe any of us object, Mr. Hutchinson, if you can take all of this and come out with the same result in fewer words. I don't believe any of us would have this objection as long as the essential ideas that we have here are covered. But our committee, whose members aren't experts in these things, went about it this way.

MR. HUTCHINSON: Well, in answer to that, Mr. Chairman, I would ask the gentleman if by his statement he would permit style and drafting to cut this down and to grant to the legislature the power to write a law?

MR. ALLEN: Well, to write a law doing what?

MR. HUTCHINSON: To accomplish the very fine purposes set forth at the beginning of the section.

MR. ALLEN: Yes, I think we would.

MR. HUTCHINSON: You wouldn't consider it a very terrible substantive change if we struck out all of those 5 provisions that you have listed there?

MR. ALLEN: Well, if the legislature is mandated —

CHAIRMAN DeVRIES: Will the gentleman from Kalamazoo yield to the chairman of the committee, Delegate Elliott?

MR. ALLEN: Right.

MR. A. G. ELLIOTT: Mr. Chairman and Mr. Hutchinson, I would be very happy to have the subcommittee chairman and myself meet with style and drafting to discuss this at some later time. However, there is one thing I think we have overlooked. While constitutional language is primarily for the purpose you say, Mr. Hutchinson, and I so agree, when you are getting into a new field such as this, there sometimes is a positive impact upon the units of government with whom you are dealing if you do delineate the responsibilities and the procedures which you want them to follow.

It was the thinking of this committee, not only was this sound to say, but it was also the thinking of the committee that it was sound to enumerate, so that we could perhaps awaken in the local units of government a sense of responsibility and opportunity which they may have in any event, but which had not been brought so forcibly to their attention. So, Mr. Hutchinson, in order to not delay the procedures of the convention, I would say that if you are satisfied to have the style and drafting committee, of which you are a member, meet with us, I think that as long as we both are agreed on the intent, that we can do something here which will meet everybody's satisfaction.

CHAIRMAN DeVRIES: I may inform the delegates seeking recognition there are 7 people seeking recognition at this time. Delegate Hutchinson.

MR. HUTCHINSON: Well, Mr. Chairman, I would like to point this out: that all of these things that Mr. Elliott points out can be very ably and just as effectively accomplished if after a proper grant of power to create these additional units is written into the constitution the people who desire to have it implemented will go to the legislature and write these same things into a statute; which, on that basis, the statute can be changed from time to time. You will be really better off than you are to freeze all these things in the constitution.

My point is this: that having enumerated these things, the legislature would probably be considered to be shorn of any constitutional power to add to the list of such powers, and certainly would be powerless to withdraw any of those powers. As I say, you can accomplish the same thing if you will delineate these things in statute, and that statute would have the same force of awakening all of these things in the local units of government that you speak about, as will this frozen, restricted, limiting constitutional provision.

If Mr. Elliott is speaking the will of the committee of the whole here, that we can thrash all of this out in style and drafting, and admitting there will be some substantive change, I will be happy to do it that way, but I want Mr. Elliott to understand that I will go into the style and drafting committee with that end in view.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Hutchinson, until you said substantive change, I was with you, but when you brought that up, you and I sort of departed company. I feel that this is something that our committee has spent a lot of time on. We think that this particular proposal is one of the most significant proposals on local government, and we would urge that unless you have an amendment to this proposal, that we go ahead and consider it on the basis as it is now before you.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Chairman, I will stick with the chairman of the committee on this, except I would say to Senator Hutchinson, when you say substantive change, I don't think you mean that you are going to materially change it; I think what you are saying is that you are going to boil 'er down. Isn't that it?

MR. HUTCHINSON: I will agree with Mr. Allen that we will not materially change it. That is true. We will obtain the same objective and accomplish the same thing, but we won't be writing a statute into the constitution.

CHAIRMAN DeVRIES: Will the gentleman from Kalamazoo yield to the gentleman from Detroit, Delegate Austin?

MR. ALLEN: Yes.

MR. AUSTIN: Mr. Chairman, Mr. Allen, I am a little bit disturbed about the question of taxation involved in this metropolitan area government. I have 3 questions here that I am inclined to ask after reading the language, because I don't think the language is clear one way or the other. Can the legislature give taxing power to this metropolitan district should it be set up, or any one of these, let's say, cooperative efforts? Could these local units of government cooperate or join in levying an income tax together? That is, could, for example, 2 or 3 municipalities or other local units of government get together and cooperate on an income tax levy? And then, the third question is: may they transfer their taxing powers to this cooperative effort?

Now, here is the reason why I raise these questions: under section a on line 9 we say "authorities shall have such powers, duties and jurisdictions as the legislature shall deem necessary." It would appear here that the legislature may give them taxing powers. Going down to line 21, starting on line 21, I would like to read from there — or, let's start on line 20:

> Under such general law such units of local government shall have power:
>
> (1) 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 local unit of government would have the power to perform separately.

Of course, here is where I raise the question about joining together on an income tax levy, assuming that each of these units had that power separately. Then we move down to (3), on line 11:

To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the consent of each unit of government involved.

And here I ask can they transfer their taxing powers to this cooperative effort? And, of course, (4) raises the same question. Now, under (5), you did specifically say that they could lend their credit. Now I ask what about taxing powers? What do you have in mind there?

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Austin, I think what you are doing is, you are getting section a tossed over into section b. Section b, where we have gone into the enumerations, refers to existing units of government and their existing powers. It doesn't call for any new unit of government — say a special district set up for a sewage disposal, to finance sewage disposal. Now, under a, this would be a separate district. Under a the legislature would say, what is its jurisdiction and what is its taxing power; what power does it have? That stands alone. This unit standing alone doesn't come into section b. The powers listed under section b are for existing units of government, things which they now are authorized to do.

So I think the answer to your first question is yes, on any new unit of government created by the legislature the legislature says what taxing power it has. But on whether or not these units may pool their taxing power, the answer is no. These are existing units of government. Unless, I suppose, the legislature should some day pass a law saying they could, and I would doubt it.

CHAIRMAN DeVRIES: Delegate Austin.

MR. AUSTIN: Mr. Chairman, Mr. Allen, am I to understand that under a, the legislature can give this metropolitan complex unlimited taxing power? You don't have any type of limit in mind?

MR. ALLEN: Whatever the legislature wishes to give, the way this is written.

MR. AUSTIN: I wish you were as kind to the cities as they are now set up. In other words, you are willing to give this metropolitan area that would be established under this section unlimited power, and yet we do have municipalities and other units of government with which we have had experience, and we are inclined to restrict them. Somehow there is a little inconsistency. I don't know whether you had in mind giving this unit unlimited taxing power. Did you?

MR. ALLEN: The committee had in mind giving it the power that the legislature wanted to give it, and trusting the legislature. I have a hunch you are making an argument not so much against the power for the new unit as for more power for the existing units.

MR. AUSTIN: No, I didn't really mean it that way. I am sorry if it sounded that way. I meant it just as I said it, that we do have experience with other local units of government, and we have seen fit on the basis of experience to limit their powers, but here we have got a unit that we have had no experience with, and yet we are inclined to give this unit unlimited power. That's what I had in mind.

MR. ALLEN: It's no different than what has been done from time to time. For example, the Clinton-Huron water authority, that is a special district. It isn't set up under section 31. The legislature has the power to do this unless it is restricted in the constitution. When it set up the ground rules for the Clinton-Huron water authority, it defined the taxing power. Now, we would envision that on any new authority set up, the legislature will do the same thing.

Put it another way: supposing we said, to get maximum flexibility — and your committee thought of this — let's just not have anything in the constitution. Just let's scrap everything. Now, if we did that, the legislature has all of its reserve power, and may do anything that is not prohibited. It could, if we had nothing in the constitution, come up with any form which it wished and set its taxing power. So, when you say give it unlimited authority, I think you tend to scare people, because they don't realize that is what the legislature can do under today's constitution.

CHAIRMAN DeVRIES: Delegate Austin.

MR. AUSTIN: Under section b, of course, my question was whether there was the right for these local units of government to cooperate on a tax levy. Did you envision that possibility? For example, could 2 or 3 units down in Wayne county, or across county lines, for that matter, cooperate on an income tax levy, assuming they did not want to levy it in one city alone?

MR. ALLEN: Well, we never thought about it. So, thinking about it now, I would say probably the answer is no. They may only get together for such purposes as each may do alone. Each alone may tax its own residents. So I doubt that they could go together unless the legislature passed this law, which it could do, saying that they might. They could do this if the legislature would authorize it.

MR. AUSTIN: Mr. Chairman, I would just like to talk with the chairman on this after the session is over. I don't think I want to take any more of the time on the floor. I feel that this new section should be a little more explicit about taxation one way or the other. Either it should prohibit it or permit it, and in some way specify how it permits it.

CHAIRMAN DeVRIES: Will the gentleman from Kalamazoo yield to the gentleman from Birmingham, Delegate Van Dusen?

MR. ALLEN: I will.

MR. VAN DUSEN: Mr. Chairman and members of the committee, I would just like to emphasize the negative answer which Mr. Allen gave to Mr. Austin on the question of pooled taxing powers. I think the proposal which this committee considered and adopted last week, to the effect that the power of taxation shall never be surrendered, suspended or contracted away, very clearly precludes a combination of municipal taxing powers. That provision applies not only to the state, but also to every political subdivision of the state, and I think the kind of thing Mr. Austin is talking about would clearly constitute either a surrender or a contracting away of the taxing power of the combining units.

CHAIRMAN DeVRIES: Will Delegate Allen yield to the gentleman from St. Clair Shores, Delegate Snyder?

MR. SNYDER: Thank you, Mr. Chairman. I am inclined to agree with Mr. Hutchinson. We are getting into some detail here which requires a little bit more scrutiny than ordinarily would cut the section off the first paragraph.

I don't know whether my problem would pertain more to section b or the second part of a, but again we get into this question of multiunits of government participation for multipurpose functions. We do have a situation that there is a statutory provision that does provide for the combination of the police and the fire protection. This is a statutory matter at the present time, and I feel that this should remain a statutory matter.

However, I have some real serious reservations whether this type of service should be included in the constitution, and make it almost mandatory that the legislature would provide for this particular type of combination of services. If this is the intent of the committee, or a provision that would be permitted under the proposed language here, I would feel inclined to speak against it. But until there is a clarification of any one member of the committee, I would reserve further comment.

CHAIRMAN DeVRIES: Will Delegate Allen yield to Delegate Elliott for the purpose of making a preferential motion? Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I learned from the secretary there now is an amendment on the desk. This means more debate, and because of that, I now move that the committee rise.

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

The committee will rise.

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

VICE PRESIDENT DOWNS: The convention will be in order. Delegate DeVries.

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.

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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.

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

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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

before we vote, I would be compelled to vote against the proposal as such.

CHAIRMAN DeVRIES: Delegate Snyder yields to Delegate Allen for the purpose of answering the question.

MR. ALLEN: Mr. Snyder, the answer is no to your question. There is nothing compulsory here, and the legislature will continue to act as the regulator.

MR. SNYDER: I am entirely satisfied with the remark, because I think it is a very categoric remark. There is no question in my mind that the legislature still has the control of this particular subject, and it will not be frozen into the constitution.

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

MR. DOWNS: Mr. Chairman, I wish to speak in favor of the principle of having metropolitan government available particularly to the industrial areas. However, I do have a question I wondered if I could ask Delegate Allen through the Chair.

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

MR. DOWNS: Delegate Allen, I notice that the assumption of the proposal is that "The legislature shall." Did the committee give any consideration to having self executing provisions so that the metropolitan authorities could be created by the various communities without the need of state legislation?

MR. ALLEN: I think your question, Mr. Downs, is directed to section a on the creation of new districts. That is in section a.

MR. DOWNS: It is really, I think, in both sections a and b, because section b also has the language "The legislature shall . . . ."

MR. ALLEN: In section a, the legislature shall have the power to establish, but whether or not it establishes anything immediately or later is left up to the legislature.

In other words, the legislature, if this should pass, as we understand it, does not have to immediately act, but it has the power to act when the legislature feels that a new district or a new functional authority or a new corporation—the terms are all synonymous—needs to be established, at which time the legislature decides what is the best form and sets it up. There is one limitation on the legislature, and that is that when it is established, that it not be set up so that it will serve just one purpose. It might start out with one purpose, but it should be established so it can become multipurpose.

MR. DOWNS: Mr. Chairman and delegates, I think that the answer indicates the concern of some of us. I believe Delegate Austin yesterday raised some questions where we thought the legislature might go too far. I raised the other side of the coin where I am concerned that the legislature might not go far enough. I will probably end up supporting this more in the hopes that there will be the action.

Those of us—and I include myself—who vote for it may want to reconsider the action after the legislative organization committee has reported, because this really gets down to the question of the form and the responsiveness of the legislature to the needs of metropolitan areas. Thank you.

CHAIRMAN DeVRIES: Does the gentleman from St. Louis, Delegate Hoxie, still seek recognition? Delegate Hoxie.

MR. HOXIE: Mr. Chairman, members of the committee, yesterday I raised the question as to how far reaching this proposal would be in regard to the state becoming financially involved in the area of metropolitan authority which would affect certain limited sections of the state. It was my understanding from Mr. Allen that he did not believe the state would become financially responsible in those particular areas. Since then I have asked the legal authority of this convention to investigate this question. I will not read it but will give the pertinent information. In section b, paragraph 2 of the proposed local units, the other proposal, local units may share the cost of functions and services with the state.

In other words, gentlemen, I just want you to know that under this proposal as it is now written, the state would be involved in these functions at the local level.

CHAIRMAN DeVRIES: The Chair recognizes Delegate Allen.

MR. ALLEN: Mr. Chairman, did the legal authority, Mr. Hoxie, who gave you the opinion say that this language compelled the state to do this, or that the state was required to do something which other provisions of the constitution would not allow the state to do?

MR. HOXIE: You are correct. It isn't mandatory. But it was my understanding the state would not be involved financially. It was my understanding that that was your statement yesterday, which was incorrect according to our legal authority of this convention; that the state could become involved financially on these projects at the local level.

MR. ALLEN: My statement yesterday was that, first, there was nothing mandatory to require the state to do this, and secondly there was nothing in this proposal which was a grant of power to the state or which increased the power of the state, and said it had to do things which section 14, with which we are concerned, would say it could not do. In other words, all this is saying is the state may—it is not mandatory—enter into agreements with local units of government to the extent that the state has power under the constitution to enter into them. This creates no more power. In other words, under section 14 of article X, the state may do certain things and it may not. Now, on those things which the state may do, what we call internal improvements, it then may enter into arrangements with the local units, but on the things which the state is prohibited from doing under section 14, it still would be prohibited.

And I would suggest, Mr. Chairman, that if there is any ambiguity about it—and I think Mr. Hoxie raises a point which is good and which naturally will come up — that when we get around to considering section 14, the internal improvement section, the way to handle this so there will be no doubt would be to add to section 14 as it finally comes out some sort of language, if there is any doubt, saying in effect that the state power to contract and enter into arrangements with local units under article VIII is restricted to those things which the state is able to do, and does not include those things which the state is prohibited from doing under section 14.

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

MR. POLLOCK: Mr. Chairman, as I recall the discussion yesterday, we were going to refer this section to style and drafting with some freedom to put it into constitutional language. Am I correct about that?

CHAIRMAN DeVRIES: I don't think the committee resolved that, Dr. Pollock.

MR. POLLOCK: I had intended not to say anything about this subject because I was so pleased that the committee had finally brought forth something new and original that I didn't want to raise any objections. But now that Mr. Hutchinson has raised the question of constitutional language, I merely want to suggest—and Mr. Allen knows this—that I had presented this same idea in constitutional language with about half the length of the present proposal. I should be glad to resubmit the constitutional language I submitted in place of what has been criticized here as being too much statutory.

CHAIRMAN DeVRIES: The Chair recognizes the lady from Dearborn, Delegate Cushman. You were seeking recognition on this yesterday. Do you pass?

MRS. CUSHMAN: Yes, I will pass.

CHAIRMAN DeVRIES: Delegate Cushman passes.

The Chair recognizes the gentleman from Detroit, Delegate Austin.

MR. AUSTIN: Mr. Chairman, I raised several questions on the floor yesterday with respect to this proposal in regard to taxation. I did not feel it was appropriate to take the time of the committee of the whole to get complete answers. So since the session yesterday, I have talked with several members of the committee on local government and also some members of the committee on finance and taxation, and I feel that most of the questions I raised have been answered to my satisfaction.

I do not have any objection to the legislature having unlimited power to give taxing powers to these metropolitan districts. However, when the finance and taxation Committee Proposal 54—which states as follows: "The power of taxation shall never be surrendered, suspended or contracted away"—comes up on second reading, I will raise some question about the possibility of a restriction on the taxing power of these metropolitan districts. But at this point I will raise no more questions about taxation.

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

MR. HIGGS: Mr. Chairman, I would like to direct a question to Delegate Allen with regard to subsection 3. As I read this, the question in my mind is with regard to what extent the consent of each unit of government involved is intended to apply. Since I am also a member of the style and drafting committee, I think it might be helpful for us to have an understanding of what your intention is in this connection.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Complete consent, Delegate Higgs. In other words, no functions could be transferred without the unit from which the function would pass completely agreeing and the unit which would assume it completely agreeing. In other words, this is entirely voluntary, and it would be up to the governing authority of each unit to completely agree to this.

MR. HIGGS: Would it be your understanding then that section a would be qualified by this consent of each unit of government?

MR. ALLEN: No. Section a applies to a new governmental unit, if ever established.

MR. HIGGS: Then would it be your understanding that the legislature would have the power in the absence of the consent of each unit of government to set up the metropolitan authority with powers, duties and jurisdictions that the legislature feels necessary, without any consent of the individual units which may be involved within the area?

MR. ALLEN: I am not sure I understand your question, but I think, because this came up just a little while ago, we are dealing with 2 different things in sections a and b.

Now in section b, what we are dealing with is what we know as our existing units of government: our cities, our villages, our townships, our counties, and I guess even school districts. This allows them to intercontract with one another, to assume costs, share costs, transfer functions.

Section a is a political animal that yet does not exist. It may be that from time to time, as it has been in the past, it is necessary to solve some problem by the creation of some additional unit of government. This is generally called a special corporation. Sometimes it is called a metropolitan district or metropolitan corporation. The legislature would say how this could be established. When they say how it is to be established, it usually is established upon a vote of the people of the area affected, and it has the powers, including the taxing power, that the legislature gives it. This is a new political creature.

MR. HIGGS: I think I understand that aspect of it, that we have the power in the legislature to establish a metropolitan authority which is a new creature.

In reading section a and subsection 3 under section b, the problem that is in my mind is whether or not the legislature under section a could preempt the field of the local units without their consent. In other words, if the legislature under its authority in section a should grant power or duties or jurisdictions—I think maybe a key word is "jurisdiction"—to the metropolitan authority, that this might be a preemption of powers, duties or jurisdictions of local units within the area. And if this can be done under section a without the consent of each unit of government, I would like to know if that is the intention.

MR. ALLEN: No, it is not the intention. But I will say this: let's take today's constitution. The legislature has the power today under today's constitution to create a new unit of government, and it did in the Huron-Clinton water authority. There was no constitutional language that authorized this at all. This was an intercounty thing. The legislature had the power, and the legislature created it, and when they created it, they said, "It will depend upon a vote of the people."

Now, if we had nothing in the new constitution, we would be the same as in the old constitution, and there is the power of the legislature to do this. The power of the legislature to create and transfer functions by a new creature without a vote of the people runs head on into some of the home rule doctrine, and you get into some technical fields here, but I don't think that anything we are doing in this language on the problem you raise is any different than we have in today's constitution. In other words, we aren't creating more power to the legislature to take away functions from existing units of government than exist today. In fact, what we are trying to do is keep the legislature from having to do it, and we think if we can free up cooperation among existing units of government, we can slow down the establishment of these new special corporations.

MR. HIGGS: One further question then. In subsection 3, why do you provide that any consent of the local unit is required to transfer any power to a combination thereof if the metropolitan authority can be granted that power by the legislature without their consent under section a?

MR. ALLEN: Because we are thinking in section b entirely apart from any metropolitan authority. This is for existing units of government. And certainly if you are going to say that the health functions—and this can be done today, the example I am giving you—of the city can be transferred to the county, we aren't going to have it occur without the consent of the city that transfers these health functions to the county or the county that agrees to assume them.

MR. HIGGS: One more question. I do not mean to carry this on at length, but I am trying to understand.

What you are saying now, do I understand, is that in subsection 3, when we use the words "combination of local units" we are not speaking about a metropolitan authority; is that correct?

MR. ALLEN: We are talking about existing units of government, that is correct.

MR. HIGGS: Thank you.

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

MR. BINKOWSKI: Mr. Chairman, for the record, Delegate Hoxie, would you please identify the legal authority in this convention?

CHAIRMAN DeVRIES: Delegate Binkowski yields to Delegate Hoxie.

MR. HOXIE: The memorandum came from Dr. Charles Joiner. I understand the other members of the staff also reviewed this question that I asked them.

MR. BINKOWSKI: Thank you, Mr. Hoxie. Also for the record, Mr. Allen, it is my understanding that many of the supporting reasons for your language in section b are found in a report by the advisory commission on intergovernmental relations, of which I understand Dr. Pollock is vice chairman. If that is so, I wonder if you would also identify this for the record.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Probably the best discussion of what we are doing here does occur in this pamphlet, which was in each one of the boxes of the delegates, from the intergovernmental relations commission in Washington. The pamphlet discusses many other problems. In one pamphlet is the best discussion of problems of metropolitan areas—in fact, I think it goes further than that; it gets into rural areas too—in a condensed way that there is. The ideas that are in section b are discussed more fully at page 25, at page 31, and in the appendix there is suggested language.

Our language is different than their language because we are writing a constitution. Their language pertains to recommendations to the state legislature. They also have a suggestion for constitutional language, and this is the single best discussion.

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

MR. KING: Mr. Chairman, ladies and gentlemen of the committee, may I direct a question to Mr. Allen, please.

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

MR. KING: Delegate Allen, I am sure that your committee has given a lot of thought to the problem of purchasing utilities and transportation facilities. This problem came up just recently with regard to another area. Do you feel that there is any way in which, say, a group of cities could purchase a utility without receiving 3/5 of the vote of the people of each and every unit of government so participating?

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: I wish that I did, but I don't. For example, it might be possible under this at first blush—and I have wondered about it—if the biggest unit of government could purchase with a 3/5 vote, and then the financing could be jointly shared under enabling legislation for intercontractual agreements, but you will notice that this is intercontractual agreements on matters which each unit or party to the contract has the power to enter into, and I would be pretty sure that the city attorneys would say that you can't help finance a bus line out of public moneys unless you have also had a 3/5 vote. So I don't think this section is going to help you on the 3/5 vote.

MR. KING: Mr. Chairman, Mr. Allen, referring to page 25, as Mr. Allen just referred us to, of the advisory commission, I just would quote one sentence, "The necessity for getting consent of each participant may impede proceedings and prevent solution of the problem on a comprehensive basis." Of course, this goes without saying. In this particular area, we are going a little further. We are requiring 3/5.

I am not opposing the change. I would just like to suggest some language and ask Mr. Allen what his opinion of it might be. It would be as follows: "The purchase of public utilities, the granting of public utility franchises shall be in a manner as provided by law and, notwithstanding constitutional provisions to the contrary, if approved by a majority of the voters voting thereon of each local unit of government involved."

MR. ALLEN: Delegate King, that might be a possibility if the committee would want to do it, but I would suggest that if we do it, it not be put in this section; it be put in as a separate section along with the utilities, or an added paragraph to the utilities section that we worked on, not on the intergovernmental cooperation. I think it belongs as an exception to the utilities section.

MR. KING: Committee Proposal 83 as opposed to Committee Proposal 88?

MR. ALLEN: Yes. I would suspect that this is something we couldn't act on immediately, but we might pick it up on second reading.

MR. KING: Thank you.

CHAIRMAN DeVRIES: Are there any amendments to section b of Committee Proposal 88?

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

1. Amend page 1, line 16, by striking out all of section b.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bad Axe, Delegate McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I have examined Committee Proposal 88 and propose that we delete section b entirely. Section a provides all the necessary machinery for the legislature to enact laws to accomplish the purposes that we desire to accomplish by this proposal.

Section b is strictly legislative, and we have from time to time here indicated that we want a constitution that is brief in form and which will give the authority without creating legislation, and that is what we are doing here. Apparently the sponsors, the committee here, are confused about what this section b will do. It would appear to me it would take years of court interpretation to determine exactly what powers are given in this section and that it would do nothing but create a state of confusion.

So I ask the committee, the delegates here, to support my amendment to delete section b, and I would like a record roll call vote because I would like the people in the area I come from to know how I voted and have it on record.

CHAIRMAN DeVRIES: Delegate McAllister, it is impossible to have a recorded roll call vote in the committee of the whole. You can ask for a division on the amendment. The question before the committee is the amendment offered by Delegate McAllister to section b of Committee Proposal 88. The delegate requests a division. Is there support for a division vote? There is support for a division vote.

The Chair recognizes the delegate from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I rise in support of this amendment offered by Mr. McAllister, for the reason that I sincerely believe that the committee in section b, instead of granting or setting forth some guidelines as it believes it is doing for the legislature, is greatly restricting the power of the legislature in this field.

I am convinced in my own mind that each and every part of this section b could as effectively be accomplished by the people who desire the creation of these sorts of things in Michigan if they would go to the legislature. They could get through the legislature practically, I am sure, the same thing that they have in section b here. If there is anything that is legislative in character, it is section b.

In the belief that this convention really wants to write a constitution which is constitutional in character and not legislative in character, I support this amendment.

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

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

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman, fellow delegates, I would like to support the amendment and to endorse the very able statements made in connection therewith by Delegate Hutchinson.

CHAIRMAN DeVRIES: Does the gentleman from Pleasant Ridge seek recognition?

MR. A. G. ELLIOTT: I yield to Judge Dehnke.

CHAIRMAN DeVRIES: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and members of the committee, I can't take a position either way on this. I think I should call attention, however, to what this proposal means. As it now stands, it constitutes a command to the legislature to set up some form of metropolitan government. If section b is stricken, it is a matter entirely within the discretion of the legislature whether or not it will pass such a law.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Saginaw, Delegate Leppien.

MR. A. G. ELLIOTT: Mr. Chairman, I think I still have the floor.

CHAIRMAN DeVRIES: Will the delegate yield to the gentleman from Saginaw?

MR. A. G. ELLIOTT: I will yield.

CHAIRMAN DeVRIES: Delegate Leppien.

MR. LEPPIEN: Mr. Chairman, fellow delegates, the secretary has an amendment on the desk submitted by myself which is so much in keeping with the one just offered by Delegate McAllister that I will withdraw mine and support his amendment. If there is anything, delegates, that we have heard throughout the months that we have been sitting as a constitutional convention over and over and over and over, it is the fact that we should be not writing legislation into the constitution. I submit very frankly to you that from section b on through the end of the proposal, it is purely legislative in character and should be deleted.

CHAIRMAN DeVRIES: Delegate Leppien withdraws his amendment. Will the gentleman from Pleasant Ridge yield to the lady from East Grand Rapids, Delegate Judd?

MR. A. G. ELLIOTT: I will.

CHAIRMAN DeVRIES: Delegate Judd.

MRS. JUDD: Mr. Chairman and members of the committee, it may well be that some of you think of this material as

statutory, and if it is statutory, to be sure, it does not belong in the constitution. But I would like to warn this committee that if this constitution goes to the people in this era of great exploding population and increase of metropolitan area problems without any power in the local and state governments to solve these problems, that we will be doing our state a very great injury.

I think if there is need to reconsider this language, that some kind of procedure should be developed that will make that possible, and I am not enough of a parliamentarian to know what that procedure should be, but we must not at this moment close off the possibility of including in this constitution the assurance of power to our state and local governments to handle metropolitan problems.

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

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, I would like to strongly urge the defeat of this amendment for reasons that have been put forth here for several hours. I will repeat them only briefly.

We consider in the committee that this is a major breakthrough in the area of establishing in the constitution language which will clearly enunciate the position in which we wish local government to function.

There is a distinct difference between sections a and b, I believe, in that section b does require the legislature to provide for these following things. Now, within that proviso, they can make them as restrictive as they desire. I think that it is fundamental that what the majority of people in this convention are after is not another layer of government on top of what we already have, but a strengthening of those layers of government with which we are familiar, making them more responsive to the needs of the people, making it possible for them to meet those needs. Now, it may be that in this second section, section b, there is some language that can be eliminated in style and drafting and still give us the same intent and the same impact. If so, I am sure that our committee will be most willing to support that change.

But I do not think that the committee on local government will support a change which will change the whole emphasis. This was not something that was casually thought of. This is, it seems to me, the heart and soul of the local government committee, this and the next proposal that you are going to get. We have taken those familiar forms of government, those with which each of you is familiar, and we have in the preceding sections strengthened them and bolstered them for the future. Here is the springboard with which you can do in the future the things that are needed.

And for those reasons — not being a lawyer and not being quite so concerned whether or not the language is purely constitutional — I would urge the defeat of the amendment, with the recognition that the committee is satisfied to sit down with the chairman of the committee on style and drafting, Mr. Cudlip, and the other members of his committee, and work out more satisfactory constitutional language, if needed. And I will once again urge the defeat of the amendment.

CHAIRMAN DeVRIES: The Chair had hoped that the committee of the whole might take a vote on the McAllister amendment, but there are 5 people seeking recognition.

Pursuant to the motion passed by the convention this morning, the Chair declares a recess for 10 minutes. We will reconvene at 10:55.

MR. HUTCHINSON: Mr. Chairman, the motion was that the committee would rise at this point. The Chair has no power to declare this committee in recess. If you will read the motion, that isn't what it says. It said that the committee would rise at this point, Mr. Chairman.

CHAIRMAN DeVRIES: The motion as I have it before me, Vice President Hutchinson, is that the committee of the whole by declaration of its chairman rises.

MR. HUTCHINSON: That is right. It rises, Mr. Chairman.

CHAIRMAN DeVRIES: Not recesses?

MR. HUTCHINSON: That is right, sir.

CHAIRMAN DeVRIES: The committee of the whole will rise for 10 minutes and reconvene at 10:55.

MR. HUTCHINSON: All right. Mr. Nisbet will take the Chair. (laughter)

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

PRESIDENT NISBET: There will be one announcement by the secretary, please.

SECRETARY CHASE: For the benefit of the delegates who have amendments to offer from here on, would you please take them to the secretary's office. The girls in my office will be very glad to prepare them for you, and in that form they can be projected on the wall and we will have here the necessary copies as well. Thank you.

PRESIDENT NISBET: Mr. Hutchinson is entirely right in his interpretation.

The convention recesses for 10 minutes.

[Whereupon, at 10:50 o'clock a.m., and in pursuance of the order previously made, the convention recessed; and, at 11:00 o'clock a.m., reconvened.]

The convention will please come to order. In order to make this practice, which is so necessary, I think, work, will the delegates please attempt to return when the bell rings so we can reconvene the convention.

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

Mr. Mosier has filed with the secretary a request to be excused from the afternoon session so that he may attend a funeral of a relative in Battle Creek.

PRESIDENT NISBET: Without objection, Mr. Mosier will be exused.

The convention will now resolve into committee of the whole. Mr. DeVries.

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

CHAIRMAN DeVRIES: The committee will come to order.

The Chair recognizes the gentleman from Detroit, Delegate Iverson, speaking on the amendment offered by Delegate McAllister to Committee Proposal 88.

MR. IVERSON: Mr. Chairman and fellow delegates, I make simply this statement. I dislike to oppose the committee on any matters which are within reason, but I simply do not like legislative language. I must oppose, however, the amendment proposed by Mr. McAllister, because I don't think he intends to take away the power contained in the first part of section b, and I hope that someone at least will correct that situation after Mr. McAllister's amendment is voted on.

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

MR. HIGGS: I dislike also to oppose the McAllister amendment, and I have some fears of sweeping away the entire section, and I am thinking particularly about subsection 3 and the consent of each unit of government involved, so I would like to see what can happen with this whole proposal between the first and second reading. So I will oppose the amendment.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Chairman, I wonder if we really realize here what we are trying to do. I think that there are 2 points to keep in mind. I feel that Delegate McAllister's amendment to strike everything is because he wants nothing, and then you had a separate point, which probably will come later, that the language is statutory and therefore ought to be boiled down with something left.

The amendment before us is the first point to strike everything and nothing goes back in its place. What we are doing here is this: we are trying to prevent the Dade county situation where the legislature, because of frustrations in metropolitan areas, is forced to come in and do something quite drastic. And everyone who has studied the problem of metropolitan government says this: that if you can relieve the bottlenecks that exist between your several existing units of

government, and free them up so they can handle these things cooperatively, then you are going to get away from this super-government that many people don't like, and this is not only rural but this is also municipal units.

Now, we are attempting here to preserve the integrity of our existing units of government by mandating the legislature to pass statutes under which these units can share services, share costs, make intercontractual agreements, and it is all on a voluntary basis. I will point out to you that on this subcommittee that made this recommendation to the full committee, we had a rather diverse group. We had Mr. Sharpe and Mr. Brake and Mrs. Cushman and myself, and we represented real rural and real urban, and we agreed on this unanimously.

The whole point that we are driving at in b is to prevent the legislature finding the necessity of coming in and setting up some new type of government, or we are preventing the legislature coming in and something happening to force city-county consolidation.

I can positively guarantee you that if we don't get this loosening up between our existing units, which this provides, then we hasten the day — and you will find it coming — when something could happen in the Detroit area similar to what happened down in Dade county.

This is one of the creative good things that this convention has the opportunity to do, and now we have an amendment on the floor to strike it all. I think this would be a terrible mistake. It will do exactly what you think it won't do. It will hasten so called big government.

Now, I will concede that the language probably is somewhat statutory and long and the language which Dr. Pollock turned in got into the international field and everything else so we couldn't use that. There probably is a way this could be boiled down. I would be willing to allow style and drafting at least to try it, but I feel that to strike everything out as this amendment now before us would do, would be a terrible mistake and this committee would really be going backwards when we now have an opportunity to go forward. And this has been supported, as I say, by this subcommittee — in fact, the whole committee of local government. So I certainly urge a no vote on this.

SECRETARY CHASE: Mr. McAllister withdraws his amendment, and Mr. McAllister and Mr. Leppien jointly offer the following substitute amendment:

1. Amend page 1, line 20, after "government.", by striking out the balance of the committee proposal; which will leave section b to read as follows:

> Sec. b. The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more of such units of local government.

CHAIRMAN DeVRIES: The McAllister amendment is withdrawn and a substitute is offered by Delegates McAllister and Leppien. The Chair recognizes the gentleman from Bad Axe, Delegate McAllister.

MR. McALLISTER: On checking over this section, it appears that the first sentence in section b should be left in the proposal, so that now the proposal will be section a and the first sentence in section b. While I am on the floor, I would like to say that I believe the strongest support for this amendment comes from the chairman of the committee and the other speakers who have indicated that they themselves don't believe this section is in proper form. They would like to sit down and discuss it.

But I think that the amendment I have offered here covers the entire situation, and gives the state legislature all the authority that is needed to do anything that may be necessary to establish metropolitan communities. And, as I said before, we have repeatedly stressed in this convention that we do not want to legislate; we want to draft a constitution and let the legislature do the legislating. Apparently here we want to mandate the legislature to do something that the committee itself is very doubtful about.

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

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, Mr. McAllister, we are not doubtful at all about what we want, and I am very grateful to learn that the delegate from Bad Axe was not interested in absolutely reversing the trend that we had spent so many hours on. And I would like to yield to Mr. Allen.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Chairman, it seems to me that the spirit in which this amendment is offered is certainly much more helpful than the first amendment which was to kill everything, but I would say that the trouble with this amendment is that it doesn't say anything that we haven't already said. If we follow this amendment — and this probably is the result of having to work something out, you know, immediately on the floor — it simply says: "The legislature shall provide by general law for the exercise of local government by 2 or more of our existing units," period. Well, the legislature has already provided for the exercise of local government in all of the constitutional provisions that we have had, and this only says "of 2 or more." I don't think it says enough.

The important point in this thing is the point that is spelled out in these subsections we have; that is, the exercise of it by the power to intercontract, the power to transfer services, the power to share costs and to cooperate. So, Mr. McAllister, under your new amendment, it doesn't go far enough. What we want to say is that they shall do it and they have the power to do it, providing they each consent, in these specific ways, and this amendment doesn't go far enough.

Now, I don't care what kind of an amendment comes on the floor today — unless we get into a real style and drafting job and adjourn or recess for an hour or so — you are going to hit the same problems. I think the thing to do — we know what we are driving at — is to pass this as we have it — and subject to Mr. Elliott's agreeing to it; I can't do this unilaterally. If style and drafting can come up in a condensed way with something better, let them do it. But to try and work it out now, no.

Now, I know Mr. Hutchinson has said on style and drafting that it may make some substantive change and I don't know just how to handle it, just stick with this or let him bring it back. I don't know. I have alternate feelings. I think in view of the discussion we have had this morning I now feel: well, let style and drafting condense it even if they make some substantive changes, as long as they get these essential points in about intercontracting and sharing of costs and so on. But I would oppose the McAllister amendment — which I think is offered as a constructive measure — because it doesn't go far enough.

CHAIRMAN DeVRIES: Delegate Goebel.

MR. GOEBEL: Mr. Chairman, Mr. Elliott, I feel just exactly as Mr. Allen does about this. If the verbiage does not meet with the approval of some of the delegates on the floor, I believe, with Delegate Allen, that this can be taken care of very properly. But we do need the intent of this particular section in order that all the governmental units in a metropolitan area may do for themselves that which is best for all of them, and I therefore oppose the McAllister and Leppien amendment and urge that you vote for the committee proposal. Thank you.

CHAIRMAN DeVRIES: Delegate Leppien.

MR. LEPPIEN: Mr. Chairman, members of the committee, I think we all have agreed by what has been said here this morning that the legislature has all the power to do everything that has been contained in Committee Proposal 88. The intent of the committee seems to be, from what I read in it, to give direction to the legislature in a field that now to some degree is nonexistent, except there is some example or at least one about the state, the cooperation of various units of government, and therefore it seems to me that we are going far beyond the necessity for putting any language in beyond the point of the amendment offered.

I urge the adoption of the amendment.

CHAIRMAN DeVRIES: Delegate Davis.

MR. DAVIS: Mr. Chairman, delegates, I think that some of the thoughts that I have on this have already been expressed. Personally, I happen to be in favor of this committee proposal

and the idea that is contained in it, but I feel that some of the objections which have been raised in the manner in which Mr. Hutchinson, Mr. Bonisteel and others have raised them have caused doubt in my mind.

I am not a lawyer. Now, I think that there are many of us who were asked to put their stamp of approval or rejection upon some matters on which we talked at great length here in debate, and at this time I would like to say that I am going to vote along with the committee. If I thought this were the final thing, I frankly would vote against it because I have been persuaded by debate that this is not good language, and it would be my hopes that either style and drafting or someone else could handle this matter. And I think we have, frankly, taken up considerable time on this matter, so I will quit talking at this point.

CHAIRMAN DeVRIES: Delegate Prettie.

MR. PRETTIE: Mr. Chairman and fellow delegates, I am rather torn between 2 views. I have on the secretary's desk an amendment identical with Mr. McAllister's as to the first sentence. I also am impressed with the necessity of retaining the final language of this section for the reasons set forth in the report of the committee as to authority to serve in dual capacity. Now, I feel that the intervening language which the McAllister amendment would strike is language that certainly does not go far enough in full legislation and spelling out of the powers of the consolidating units. It should go further. But I don't think it is constitutional language. I think it should be written by the legislature after timely consideration.

I don't think that either this committee or the committee on style and drafting can do an adequate job, so I wish at this time to oppose the McAllister amendment, solely for the reason that I submit to you that the final language of this section following the subnumbered paragraphs is essential to the plan suggested by Mr. Allen and the committee on local government.

CHAIRMAN DeVRIES: Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I don't wish to continue the debate indefinitely on this proposal. I want to agree, in the first place, with what Mr. Prettie just said. There is some language in that last paragraph which the amendment would strike that I think we ought to definitely retain. I don't know whether this constitution is going to have anything dealing with the incompatibility of 2 offices at the same time, but it is a troublesome question, one that bothers the attorney general continuously. This would clarify it. I think it should be there.

I want to answer just one statement made by Mr. McAllister, that we are creating confusion. The confusion, Mr. McAllister, is already there. Everybody, practically, recognizes that there has to be something done to meet these problems in the metropolitan area. Very, very few indeed have any idea as to what that something ought to be. This sets forth a pattern. It is statutory. Of course it is statutory. But it is a pattern and given with the dignity and the stature of a constitutional provision. It says: here is a way that you can follow in trying to meet that problem which everybody recognizes exists.

And I think it has the further purpose of trying to steer these metropolitan areas into the solution of their problem through the cooperation, the contracting, the sharing of costs of units already in existence instead of the creation of a fourth level of government. That is the conflict over the country — shall we do it with our present units, or shall we create additional units of government? I think everybody on our subcommittee agreed that the present units if it is possible at all, ought to handle the problem. This is at least an invitation, if nothing more, to try to meet the problem that way.

CHAIRMAN DeVRIES: Delegate Binkowski.

MR. BINKOWSKI: I would like to attempt to clarify the record here just in case of an adverse vote on this section. Mr. Leppien has, it seems to me, agreed the legislature has the power and the authority to establish the 5 — what shall we say? — powers as enumerated on page 1 beginning with "(1)" down through page 2 at the end of line 20, and I would, again for the record, ask Mr. McAllister if he agrees with that? In other words, the only thing that you are attempting to do is to eliminate the so called "statutory language" and you believe that the legislature has the full power and authority to do the enumerated powers set forth in pages 1 and 2?

CHAIRMAN DeVRIES: Delegate Binkowski yields to Delegate McAllister for the purpose of answering a question.

MR. McALLISTER: It is my opinion that the amendment offered gives the legislature full authority. It seems to me also, if the committee has some ideas, it can submit them to the legislature. This matter here, as I have said before, is so broad that it reminds me of a bucket full of nail holes. You don't know which one to repair first.

So it is my opinion that the amendment as now submitted by Mr. Leppien and myself is adequate to do anything that may be necessary to accomplish the purposes desired, and it is certainly not my intention by asking for this amendment to interfere with the establishment of metropolitan authorities. In fact, I am for them. But I think that we should know where we are going. As Mr. Brake has said, there is lots of confusion, but I don't know why we should stand on one foot at one time and limit constitutional provisions, and then enact, in effect, statutory law in the constitution at another time.

MR. BINKOWSKI: Mr. McAllister, again, I don't want to belabor this point, but I just want to find out your thinking as to the motivation for making this amendment, because someone in going over this record might, by implication, believe from your comments that you feel that the legislature might not have the authority to establish any one of these powers as set forth and as enumerated in Committee Proposal 88.

MR. McALLISTER: I hope I understand you. I feel that my amendment as originally introduced was adequate, but to remove any question about it, I have agreed with Mr. Leppien — and it was his idea — to add the additional sentence. Does that answer your question, Mr. Binkowski?

CHAIRMAN DeVRIES: Delegate Lundgren.

MR. LUNDGREN: The question I had — and it has been raised here several times this morning is that it appears that some people are beginning to feel that style and drafting is a different type of committee, and it has been said here by Mr. Allen that perhaps style and drafting can change the language around. But I didn't think that was the original intent of Mr. Cudlip's committee, and I don't think they want to take on that burden of writing something that the committee should write.

It appears that there are some confusing points on this. I agree very much with Mr. McAllister that we are for a new type of government within the larger municipal areas if they want it, but we have to give them the proper language from the floor here, and I don't believe style and drafting should be given that job.

If Mr. Cudlip would like to answer that, I am sure his committee doesn't want to take on this chore.

CHAIRMAN DeVRIES: Delegate Lundgren yields to Delegate Cudlip.

MR. CUDLIP: Mr. Chairman and members, the functions of our committee are clearly set forth in Journal 3, page 14, and we have plenty of work up there without added burdens. There are areas where we perhaps will make some suggestions to this body by way of recommendation, but we aren't usurping any functions.

While I am here, I would like to emphasize what Senator Brake said. The philosophy here is simply this on this paragraph b: it is a case of whether a mother and father tell the children, 5 or 6 of them — analogous to our political units — "Here are the guidelines; you have the power to do it"; or whether they have to come hat in hand on Sunday morning to get that permission. That is the difference in the philosophy here, and the sooner we get that in our minds and know what we are voting for, I think the better off we will be.

MR. LUNDGREN: I would just like to conclude that I agree with the McAllister amendment as modified here. I think it provides within the legislature the framework to create these new municipal governments that the larger areas want, and therefore I subscribe to the amended report.

CHAIRMAN DeVRIES: Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman and delegates, I will support and want to support the McAllister-Leppien amend-

ment, and I will give you a specific reason. On page 2, paragraph 2, they set forth that in this joint function, whether by contract or by compact, that the only way the costs of operating that function can be accomplished is to share the cost and responsibilities of the functions or services one with another.

If we were in the Muskegon area to set up a metropolitan water or sewer or combination utility, there is no reason whatsoever why that utility should not have the right to be financed entirely by charges to the users thereof, and there should be no requirement that the costs and responsibilities — and especially the word "costs" — be referred back to each township, village and city and by them collected.

If you read this language, there is no provision for the metropolitan government to be a self financing unit. I call your attention to this because this is a danger of writing such detailed statutory language into a constitution. Were the legislature to say this, that they should share the cost, and the court say that therefore the metropolitan government could not bill the consumer direct because this requires the sharing of cost according to contract, and it says here "each local unit of government"; it does not say "the consumer thereof" — the legislature could correct such obvious oversight.

My construction may be overtechnical, but I call your attention to the fact that it says to share the costs one with another. Nowhere in this does it provide that the consumer can be required to pay or that the metropolitan unit or the jointly used function can be financed solely from the revenues. It must be billed back, as this language is written, to the local city and township.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: I yield to Delegate Allen.

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Hanna, I think you completely misunderstand that. There is nothing here that says that a city which puts up a water utility or sewage utility can't, if it wishes, continue to finance it from consumers' costs. There is nothing here at all that says that he can't do that. This simply says that if the city of Muskegon and Muskegon Heights want to go into a sewage disposal facility and share the costs together in some way, they may. But if the city of Muskegon wants to do it entirely by user charges, they can go ahead and do it this way. There is nothing compulsory here at all, and there is nothing that changes the existing way we are doing things.

In addition to that, this only refers to units of government which are now in existence. This doesn't preclude anything that now exists. This gives an additional right, but the additional right may only be exercised if both of the participating units want to exercise it.

MR. W. F. HANNA: Mr. Allen, this is the first time I have ever heard the word "cost" limited to capital expenditures. To me the cost of a function includes the operating expenses as well as the capital expenditures. And you have said "shall be shared." I am saying that as you have it, they could operate, I will agree with you, a wholesale function, but they would have to bill back to the local function, and the local function would have to bill the consumer. You have not provided that the joint function can be financed solely from the revenues thereof. And when I say "cost" I mean capital and expenditures.

MR. ALLEN: No, quite the opposite. This simply says if 2 units of government want to build a sewage disposal plant and finance the capital costs or any other costs, they may do so if they want. If they want to do it all on user charges, that is under the existing law. Nothing is changed in here, and there is nothing mandatory.

CHAIRMAN DeVRIES: Delegate Martin.

MR. MARTIN: Mr. Chairman, by the device of sitting quietly, it is possible to have everything said on this point that can possibly be said, with one exception perhaps, and that is that this is pioneering language and in a field where pioneering is absolutely necessary, and it seems to me this is one of the most important proposals that has been before this committee. If you strike out the language which Delegate McAllister wants to strike out, you eliminate the pioneering aspects of the thing entirely. And it seems to me that this is a case where some legislative language is in order, in order to give the sort of guidelines that Delegate Cudlip has referred to.

CHAIRMAN DeVRIES: Delegate Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, and Mr. Elliott, I should like to ask through the Chair of the sponsors of this amendment, Delegate McAllister and Delegate Leppien, if they have any objections to the amendment which will be offered by Delegate Prettie.

CHAIRMAN DeVRIES: Delegate McAllister?

MR. McALLISTER: I have been apprised of the proposed amendment, and it meets with my approval, and I will support it.

MR. STEVENS: Then I would vote against this amendment with the idea of voting for the Prettie amendment.

CHAIRMAN DeVRIES: Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman, fellow delegates, I first wish to say that I am heartily in accord with the objectives herein set forth. It just seemed to me that we were again faced with this question of what tasks are we going to assign or to leave to the legislature. Are we going to continue to write constitutional statutes, in effect, or are we going to try to write a constitution and leave the statutes to the legislature? So it is on that principle and not on the basis of trying to be against something here that I spoke. Thank you.

CHAIRMAN DeVRIES: Delegate Dehnke.

MR. DEHNKE: Mr. Chairman and delegates, the discussion we have just heard between Delegates Allen and Hanna points up the sort of difficulty that we are bound to get into if we undertake to put statutory requirements into a constitutional provision.

I do not live in an area personally that is interested in problems of this kind, but I do know those problems exist, and it is for that reason that I am willing to support the adoption of the first sentence of section b, but to go beyond that brings us into the field of legislation, and we have only touched upon the number of problems that can be raised in that connection. I was hoping that when the amendment to strike out all of section b was withdrawn and the present amendment was presented, the advocates of this type of constitutional provision would be satisfied. I think that is as far as they ought to expect the committee to go, to not only give the legislature power to set up such a statute, but section b places a duty upon the legislature to set up such a statute.

I have no objection to including the final paragraph, but I think it would be a mistake to include in a constitutional provision the specifications listed from 1 to 5. The question might even be raised that the legislature has no power to impose any other conditions except those set forth. Thank you.

CHAIRMAN DeVRIES: Was the gentleman from Midland, Delegate Rood, seeking recognition on the amendment? Delegate Rood.

MR. ROOD: Mr. Chairman, members of the committee, I think what we are doing here demonstrates graphically the impossibility of attempting to amend on the floor of this committee a matter as important as the one we are now dealing with. I am in favor of what is being attempted here in this committee proposal. However, I feel that the matter is so important that it deserves further consideration.

For that reason, and well knowing that the committee may not appreciate my making this motion, I am going to move that this proposal be passed until a time certain. Now, there is nothing magical about the time I am going to suggest, but I am going to suggest that it be passed until Monday at 4:00 o'clock.

CHAIRMAN DeVRIES: Delegate Rood moves that Committee Proposal 88 be passed until next Monday at 4:00 p.m. Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I would urge that we not concur in Mr. Rood's motion. There are other amendments.

The fact of the matter is, Mr. Chairman, I now move that the committee rise.

CHAIRMAN DeVRIES: The question is on the motion of Delegate Elliott that the committee of the whole do now rise. As many as are in favor will say aye. As many as are opposed will say no.

The motion prevails and the committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. 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 88,** A proposal pertaining to metropolitan areas; has considered several amendments thereto; has come to no final resolution thereon. This completes the report of the committee of the whole.

We have some announcements and requests, Mr. President.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: First of all, the apples recently furnished were by Mr. Burton Richards. (applause)

Mr. Arthur Elliott requests that the committee on local government meet at 11:45 in room A.

The subcommittee on eminent domain will meet in room G after the morning session. Mr. Paul Mahinske, subcommittee chairman.

The committee on administration will meet at 1:45 for the committee photograph.

The secretary has noticed some difficulty on the part of some of the delegates in adjusting the height of these microphones. Under the platform there is this little black collar. If you will use that, that will lower or raise it without difficulty.

We have the following requests for leave: Mr. Gust requests to be excused from tomorrow's session; and Mr. Goebel wishes to be excused from tomorrow's session to attend a meeting of the board of regents of the University of Michigan.

PRESIDENT NISBET: Without objection, the requests will be granted.

Further announcements, Mr. Chase?

SECRETARY CHASE: That is all, Mr. President.

PRESIDENT NISBET: Mrs. Conklin.

MRS. CONKLIN: Mr. President, I just want to ask a point of information. On Tuesday the administration committee submitted their report on the post convention expense of the post convention committee. It was put over until Wednesday at 2:00. What do we do with it?

PRESIDENT NISBET: Mr. DeVries, would you like to comment on it?

MR. DeVRIES: Mr. President, I move that **Resolution 70** be laid over until tomorrow afternoon at 2:00 o'clock. (laughter)

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

The motion prevails. Mr. Iverson.

MR. IVERSON: Mr. President, I move we recess until 2:00 o'clock.

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

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

[Whereupon, at 11:40 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: We are now on the order of **general orders.** The Chair recognizes Dr. DeVries.

MR. DeVRIES: Mr. President, I move that 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 say aye. Opposed, no.

The motion prevails. Mr. DeVries.

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

CHAIRMAN DeVRIES: The committee of the whole will come to order.

When last the committee met, it was considering an amendment offered by Delegates McAllister and Leppien to section b of **Committee Proposal 88.** A division vote had been requested and supported. The Chair recognizes the chairman of the committee, Delegate Elliott.

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

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Prettie.

MR. PRETTIE: Mr. Chairman, I request that the pending amendment of Messrs. McAllister and Leppien be revised by reinserting the language of Committee Proposal 88 appearing on page 2, lines 21 to 27.

CHAIRMAN DeVRIES: The secretary will read the revision.

SECRETARY CHASE: Mr. Prettie requests a revision of the amendment offered by Messrs. McAllister and Leppien, which amendment is:

1. Amend page 1, line 20, after "government.", by striking out the balance of the committee proposal.

Mr. Prettie requests the amendment be revised to read as follows:

1. Amend page 1, line 20, after "government.", by striking out the balance of the line and all of lines 21, 22 and 23; and on page 2, by striking out lines 1 through 20, inclusive; so section b would be left in the following form:

> Sec. b. The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more of such units of local government.

With the revision, the rest of the section would be deleted down to line 21 on page 2, which reads:

> Any other provision of this constitution notwithstanding, an officer or employee of any of said units of government or subdivision or agency thereof may serve on or with any governmental body established for the above purposes and shall not be required to relinquish his office or employment by reason of such service.

CHAIRMAN DeVRIES: The question before the committee is the Prettie revision to the McAllister and Leppien amendment. Does the gentleman from Hillsdale desire recognition?

MR. PRETTIE: No, thank you, sir.

CHAIRMAN DeVRIES: Delegate Elliott.

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

MR. LEPPIEN: I accept the Prettie revision to the amendment.

CHAIRMAN DeVRIES: Delegate McAllister?

MR. McALLISTER: I accept the Prettie revision.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I would, for all the reasons given before, urge the defeat of this amendment. I yield to Mr. Tweedie.

CHAIRMAN DeVRIES: Delegate Elliott yields to the gentleman from Port Huron, Delegate Tweedie.

MR. TWEEDIE: Mr. Chairman and members of the committee, our committee on local government didn't make a whole lot of changes and additions to the article because we didn't feel it was needed in most areas. However, this was one area where we felt there could be a real contribution and a real step forward in local government. I think everything we mentioned here was important. I don't think any of it should be eliminated. The committee was unanimous in its approval of this, and it is an area which is largely unexplored in this country. And I would oppose any amendments that would cut out any part of this proposal as it now stands before the com-

mittee, and I recommend that we adopt this just as it is, with any small changes in wording left up to style and drafting.

CHAIRMAN DeVRIES: Delegate Sleder.

MR. SLEDER: Mr. Chairman and fellow delegates, I should address a few remarks to the people who are nonlawyers. As I don't talk in terms of attorneys, I should like to address a few remarks to people who have come to this convention in the same manner in which I did. I feel that I represent the regular cross section of the twenty-seventh senatorial district. When I came to this convention, I felt, as we all felt, there were certain areas in this state government that needed improvement, and 1 of these was local government, and the 2 areas in local government that especially were in trouble were the metropolitan government and the counties.

Therefore, in our hearings that we held in local government, these items proved to be correct, and we have tried to correct these 2 items in Committee Proposal 88, which we are now considering, and the county one in Committee Proposal 89 which will be the next item on the agenda. In order to correct the problems in the metropolitan areas, which I think we all feel we want to correct and improve, we must take a new concept of that type of government, and this proposal sets out a new form, and when we set out a new form, our language must be new. We cannot draw upon any language that is in the existing constitution.

I realize that, as lawyers, when we do write new language, it is tested and it probably will be tested in the courts. However, if we are to move this state ahead as we as delegates of this state want to do, if we want to correct the problems which are facing this state, we must face up to them right here and right now, and as soon as we start taking away the strength of Committee Proposal 88, we are not facing up to the problems which we face here today in the state of Michigan.

I therefore urge every delegate to seriously consider the proposal that was made by the committee, Committee Proposal 88, and that they defeat every amendment that is placed before this committee relative to changing this proposal because, fellow delegates, we as a state must move. We must correct the troubles we are having in our metropolitan areas, and there is only one way we can do it and that is to go forward. The criticism, of course, is that some of this is legislative; it is new. Yes, it is new, so therefore we feel we have to lead the way. We placed things back into the constitution — civil service. That is purely legislative. It has been there already. We could have left that to the legislature; but no, we placed it back in the constitution. And here is an area where we must go ahead. We must lead the way for the legislature and all the people of the state of Michigan, and to do that, we must adopt this proposal, Committee Proposal 88. Thank you.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: I would yield to Mrs. Cushman.

CHAIRMAN DeVRIES: Delegate Elliott yields to the lady from Dearborn, Delegate Cushman.

MRS. CUSHMAN: Mr. Chairman and delegates, one interesting thing about this is the fact that metropolitan government is not completely new. Many governments have already taken steps in this direction, but the steps that they have taken have merely indicated to them that there is need for something more in the constitution to help them out.

I would like to mention a couple of things along the line of attempts to meet the metropolitan problem. For example, we have the city of Detroit which now, as I think you probably are well aware, provides water for a considerable area outside the city of Detroit. This is an attempt to meet the metropolitan problem. But they run into some problems of financing in this area that they would feel that we could solve if we had a strong metropolitan government section in the constitution. We might point out too that the city of Detroit and the county of Wayne got together on this office building. Now here is another example where I guess they ran into some considerable financing problems on this in trying to work out some sort of a joint project and finance it adequately.

The intercounty supervisors committee is composed of representatives of the board of supervisors of 6 counties in southeastern Michigan, and they have done an outstanding job, as I think many people agree. However, their hands are comparatively tied when it comes to certain areas of taking action on the things that they have worked out. And also you have this Huron river situation where I think you had something like 8 counties or 4 counties, 8 townships and 12 cities and villages or something of the sort combining to try to make the Huron river valley a better valley, a planned economy in terms of the use of that water for recreation and for other purposes throughout that area. They did a fine job of planning, but when it came to taking action, they found themselves tremendously handicapped. In fact, they were prohibited under the constitution. And here again they feel that a strong metropolitan government section is something that is necessary in order to enable them to move ahead in these various areas. Thank you.

CHAIRMAN DeVRIES: Delegate Sharpe.

MR. SHARPE: Mr. Chairman, Mr. Elliott, when I ran for this office as a constitutional convention delegate, I knew that Livingston and Shiawassee counties had some problems, and I knew that Burns and Osceola townships had problems, but I didn't consider the problems that Wayne county might have had or that Taylor township might have had. As a matter of fact, I am not so sure that I was much interested in their problems as long as they didn't come out and mess up Livingston and Shiawassee counties. (laughter) Since I have been here, I am surprised at all the problems that everyone has, and you know you all have problems within your own territory.

I am not so sure that all this language is copacetic. I don't know. I am not an attorney. There are some things that might not be exactly what they should be. However, I believe that style and drafting can take care of this sort of a thing. Knowing Mr. Hutchinson is on the style and drafting committee, I am sure he will.

But I want to relate to you some of the troubles that they do have in the metropolitan area in relation to bus lines, sewers, water, park and recreation. This Detroit city has made an extensive study on a water development program with sewerage development where they have projected themselves out into the future, where there is a high possibility that one of these days they will be piping water out into Livingston county as far as Brighton and out into Ingham county as far as Stockbridge, and picking up raw sewerage and taking it back into the city of Detroit. Now, those of you that have not done your home work, if you will get out one of these maps that I didn't have a chance to unfold and take a look at the water development program that the city of Detroit has projected for the metropolitan area, you will see that they have gone a long ways out of their city and into the townships of many counties outlying Wayne county.

And I believe that this sort of a section that we have written into this constitution, or are attempting to write into it, would meet the demand of the metropolitan area which extends around Detroit. I am real conservative, as most of you know. When I came here, I thought I might be a little liberal, but I found out that I am ultra conservative, (laughter) and I believe that if we would just pass this Committee Proposal 88 through and wait for the second reading on it, after style and drafting have dotted the i's, that probably we will come up with something that we can all live with. And I would urge your support of Committee Proposal 88.

CHAIRMAN DeVRIES: Is there objection to incorporating the Prettie revision into the language of the amendment offered by Delegates McAllister and Leppien in that the sponsors have already accepted the amendment? I hear none. The question before the committee is on the adoption of the amendment offered by Delegates McAllister and Leppien as revised. The Chair recognizes Delegate Downs.

MR. DOWNS: I would like to speak in favor of the original committee report that came out of the committee. I believe that while it could be stronger in some ways, it is a definite step in the right direction. Metropolitan government is an important problem and I believe the language that some say is statutory in nature at least can serve as a mandate to the legislature and give the legislature needed

guidance as to what was wanted. I do not see this as a limitation on the legislature, because in no place does it say these are the only powers the legislature can exercise. I therefore support the committee report.

CHAIRMAN DeVRIES: Delegate Pellow.

MR. PELLOW: Ladies and gentlemen of this committee of the whole, I have a couple of questions that I would like to ask at this time, and in preface to that, while I don't have any objection to the people from Oakland and Kent and Wayne county and so forth shaping their own affairs in the future, I am wondering whether or not this language in this proposed Committee Proposal 88 does away with the requirement of elected officials, and I would like first an answer on that particular question, especially with reference to the fact as to whether or not the legislature may state that everyone shall be appointed.

CHAIRMAN DeVRIES: Delegate Pellow yields to Delegate Elliott.

MR. A. G. ELLIOTT: No.

MR. PELLOW: In other words, am I correct in assuming then, sir, for the purposes of the record, that every prosecutor, every sheriff, every clerk, every treasurer, every register of deeds will be elected by the people, and the people will have an opportunity to go to the polls to vote for the elected officials?

MR. A. G. ELLIOTT: Mr. Chairman, I can't do that one quite as shortly. This proposal in no way affects that particular provision and the provisions of the constitution which you refer to, so I think that the answer that I gave you originally is correct. You will have to interpret it from there.

MR. PELLOW: Thank you. In other words, everyone will be elected. Now, that is a very basic premise, and I appreciate the fact that the chairman of the local government committee stated that every officer that is now elected shall be elected in the future regardless of any action of the legislature. (laughter)

MR. BINKOWSKI: Mr. Chairman, point of order.

CHAIRMAN DeVRIES: What is your point of order?

MR. BINKOWSKI: I think, Mr. Pellow, that we are now on county home rule.

MR. PELLOW: Yes, sir, we are, Mr. Binkowski. Whether you realize it or not, we are talking about metropolitan Wayne county. But I am assuming what is going to happen to the outstate areas and I have a definite concern in that. That is why I raise this issue at this time.

Now, regarding page 2, section b, since everyone will be elected by the people as far as page 1 goes, I am questioning whether or not the committee has taken into consideration the fact that no party that may have an interest in contracts, no party that may be an employee of a large industrial concern will obtain a position not only on the board of supervisors, but on one of these agencies, and by the use of his influence obtain favorable contracts for his concern. Was that particular section gone over by the committee on local government? I know there are many cases citing the fact that an individual shall not be directly concerned with profits either directly or indirectly in any capacity when he represents the people, and I would suggest that this particular language seems to open the door to individuals obtaining positions in various governmental units who can adequately protect in the future their own particular needs.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Pellow, we feel that there is adequate protection for the people, and that the provisions of this last paragraph are provisions which are needed to give efficient operation of those combined services if they are shared by various communities.

MR. PELLOW: In other words, an individual may serve perhaps as an insurance agent and so forth, and then allow his company to sell insurance to the government; may have perhaps a factory and sell cars, or may do many other individual things that he gets upon a particular agency or unit of government; is that correct, sir?

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Pellow, it is not correct.

CHAIRMAN DeVRIES: The question before the committee is the adoption of the amendment to section b. Delegate Elliott.

MR. A. G. ELLIOTT: I think we are not on the amendment right now, except that Mr. Pellow is in that last paragraph, and maybe I can resolve it rather quickly. The language says "an officer or employee of any of said units of government," which means that he is serving as an elected official or as an employee "may serve on or with any governmental body established." It doesn't say that he can do business with them privately. It merely says that he can serve on that body. And the purpose of it is, as you can well see, to give the talent of the various administrative officers or elected officials that are needed to an organization or a unit which is going to combine many different units of government.

MR. PELLOW: One more question then. In other words, the intent of this section is absolutely not to open the door to authorize one to do business with a unit of government?

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Pellow, there was no such intent.

MR. PELLOW: Thank you.

CHAIRMAN DeVRIES: Delegate Heideman.

MR. HEIDEMAN: If there ever was a time when I would like to be able to vote 2 ways, this is it. As between my desire to write only constitutional language into the constitution and the very cogent eloquent arguments in favor of this modernization, I would like to read from a poem here, At Sea In Storm:

What are all the storms of the sea beside the storm in the human breast,
The whining of tackle and straining of mast
Beside that voice that gives no rest?
Not all the sea's wonders can be compared
With these that wake and these that sleep,
With these that live and these that die in your soul's unfathomed deep.

This happened to be from a collection of poems written by my sister.

And I am in the position where I am going to see conversion by voting for the committee and contrary to what I said before, although I still believe in the principle.

CHAIRMAN DeVRIES: Delegate McAllister.

MR. McALLISTER: It is a little difficult, Mr. Chairman and delegates, to reconcile the position of the committee with the position they took this morning. Mr. Elliott stated that the legislature can modify this; that the committee report was confusing; that something had to be done about it. I think that idea was expressed also by Mr. Allen and others. And now after lunch here, we have a position where no part of the document is to be changed. They have indicated that style and drafting can take care of any errors that appear in the committee report. We have already heard from the chairman of style and drafting, and if my memory serves me correctly, style and drafting can't change the wording in this particular proposal. The proposal would be substantially the same except to correct grammatical errors or something of that type.

There is no question here but what the amendment presently before the committee will give the legislature adequate authority to set up what is desired, and the position of the opposition here on this matter is strictly that they want this mandatory language in the constitution which in effect is a blank check to be endorsed by those who operate under this for any amount they want. And it seems to me it is about time that we should take into consideration the word "economy" in its strictest sense. It seems that time after time, in fact in over 4 months in this convention, the word "economy" as it is generally understood is a forgotten word.

I feel that the amendment before the committee is sound. It gives all the power that is needed. And why we wish to put this matter in such shape that it is mandatory for the legislature to do these things, I can't understand.

I might say that this certainly is not a lawyer's amendment. All the lawyers should be for the original committee report

if they are interested in it from a financial standpoint because we would probably be writing the next constitution before the language, which is so broad that it can encompass almost anything, will be interpreted by the court and I, as a lawyer, don't want to earn my money in that way. There is lots of business and we don't need to create something like this to create legal business.

CHAIRMAN DeVRIES: Delegate Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I think that we should attempt to analayze the arguments both pro and con on this issue and determine just exactly what the proposal purports to do. I think that what it does is that it unequivocally provides constitutional authority for legislative implementation where that authority may at present be doubtful at least. I assume from the conversations and the arguments that took place this morning that the committee has no great brief for the particular language that is presently in their proposal, that it will permit changing of the form, certainly, and changing of the particular words used. This I have always understood to be a proper function of the committee on style and drafting, and I assume it can be done here. I, for instance, have many objections to some of the language myself. I notice that it starts off in the very first and says "A proposal pertaining to metropolitan areas."

I think that section b is very interesting from my standpoint, because there are many areas where rural units of government, so to speak, could combine together and perform functions much more efficiently and much more advantageously than they presently can under the somewhat doubtful constitutional basis for legislation in this field, and consequently no legislation has resulted therefrom.

I hope that a mere matter of language and the fact that as presently drafted it might lead to serious problems insofar as judicial interpretation is concerned, that these arguments will not be posed at this time but can be raised, if they are still apropos, when this comes back for second reading.

I would therefore urge support of the committee proposal as it now stands, with the idea that if the language is still as subject to as many judicial interpretations as Mr. McAllister and others say it would be, that this will be raised at that second reading and not at this time, that we may move on to the other provisions of the local government committee's proposal.

CHAIRMAN DeVRIES: The question before the committee of the whole is the adoption of the amendment offered by Delegates McAllister and Leppien as revised by Delegate Prettie to section b of Committee Proposal 88. A division vote has been requested and supported. As many as are in favor of the amendment will vote aye. As many as are 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 Messrs. McAllister and Leppien, the yeas are 29; the nays are 95.

CHAIRMAN DeVRIES: The amendment, as revised, is not adopted. Are there any further amendments to section b of Committee Proposal 88?

SECRETARY CHASE: Mr. Hoxie offers the following amendment:

1. Amend page 1, line 23, after "another" by striking out "or with the state"; and on page 2, line 7, after "another" by striking out "or with the state"; so that the language in each case would read on page 1, item 1, "To enter into contractual undertakings or agreements with one another or with any combination thereof for the joint administration of any of the functions or powers. . . ."; and item 2, "To share the costs and responsibilities of functions and services with one another or with any combination thereof. . . ."

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

MR. HOXIE: Mr. Chairman, fellow delegates, I believe Mr. Upton has some identical amendments. It is our desire that they be joined, and I would like to yield to Mr. Upton.

CHAIRMAN DeVRIES: Delegate Hoxie yields to Delegate Upton.

MR. UPTON: Mr. Chairman, delegates, in reviewing the language of this committee proposal, I thought there had been much discussion already this morning of the part the state shall play in such developments. I personally feel that the state should be restricted in participating in such metropolitan organizations, or counties or townships working as a team. Therefore, I think the committee of the whole at this time should make its decision as to what part we want the state to play in this type of work.

And so I join with Mr. Hoxie in promoting this amendment.

CHAIRMAN DeVRIES: Without objection, Delegate Upton's amendment will be withdrawn and he will be added as a cosponsor with Delegate Hoxie to the amendment.

I hear no objection, it is so ordered.

The Chair recognizes Delegate Elliott.

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

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Chairman, first let me say that I think Mr. Hoxie's amendment stems from the fact that he is worried about the internal improvement section of the constitution under article X. And as I stated this morning and others have stated, this grants no further power to the state than the power that otherwise in this constitution the state possesses, so there is no grant of power. We don't have to worry in that regard.

Secondly, there are many things that the state can do which are not related to internal improvements. And remember, what we are doing is drawing a document for 50 years. Now, we know that under this proposal there is nothing compulsory about making the state enter into any sort of arrangement with a local unit of government. It is entirely voluntary. It is up to the legislature in fields where the state has the authority.

Now, the state can't come in where it doesn't have the authority. But should we say today that we are going to shut out the state for the next 50 years? I think it is a good idea to have the state mentioned here in order that the state may work with local units in areas where the state might want to do it and where it might be very desirable to do it.

President Eisenhower came down here and he talked about strengthening state government. You aren't going to strengthen state government if you tie it up and say that they can't work with local units of government. If you say this, you are eventually going to be driven to go to Washington a lot sooner than you do now.

It seems to me this is a device where, within the powers which the constitution grants, first of all, the state may, if the legislature wishes — and I think there will be places where it does wish to do so — cooperate with local units of government. I think it would be a lot less expensive to the state in some fields to do it this way, because your local units of government may say: "Well, we don't have enough power to do it alone. We want some more money, some more earmarking, some more escrow funds, or we want you, the state, to do this alone rather than us sharing ½ or 2/3 or ¾ — or whatever it may be — of the costs." So I don't think now we should shut the state out, and we have the legislature as the regulator.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Schoolcraft, Delegate Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I would like to address a question to Mr. Hoxie through the Chair. That is, I am referring back to Committee Proposal 101, which was reported out by your committee, and in the very first section of that proposal, you refer to "The state shall not be a party to or be interested in any work of internal improvement, nor engage and carry on any such work except . . . ." and under (1) you have "in the development, improvement or control of, or aiding in the development, improvement and control of public roads, harbors," and so on. Now, my question is: what other local unit of government

other than those mentioned in Committee Proposal 88 would the state be aiding?

It seems to me that you by your very committee report have contemplated that in some areas the state will have to aid. Of course, this will be subject to a legislative enactment, so there will not be participation under Committee Proposal 88 that will not be permitted under Committee Proposal 101.

CHAIRMAN DeVRIES: Delegate Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, Committee Proposal 101 deals with the state engaging in internal improvements. The first sentence of our present constitution prohibits the state from engaging in internal improvements. Those 4 subsections are exceptions. They are the type of internal improvement which was felt, in the adoption of the constitution before, to be of such statewide interest that there could be or should be exceptions in those fields: roads, airports, waterways and things of that nature.

Then, on the new language which the committee adopted and reported to the floor, we did allow local units of government to engage in other types of internal improvement at the local level at their own expense. That is the difference between our proposal as we submitted it to the floor and Committee Proposal 88, which clearly, according to the opinion of our research people and under the language that they have there now, by legislative act could involve the people of the state of Michigan helping to finance at the local level certain types of internal improvement that do not relate to the state of Michigan as a whole.

MR. G. E. BROWN: Mr. Hoxie, then are you saying that in Committee Proposal 88, this would authorize, in a sense, activities on behalf of the state; that the state could aid in the doing of these things under 88 which would be precluded under 101?

MR. HOXIE: Perhaps I did not make myself clear. Under Committee Proposal 88, the state of Michigan by legislative act could become financially involved in projects at the local level. Under Committee Proposal 101, the state could not become involved in projects at the local level, with the exception of such involvement being at their own expense.

Now, the problem we ran into — and perhaps this might clear it up — is that local units of government, because they are instrumentalities of the state, could not do anything that the state couldn't do. So as a result of that reasoning, we did have the additional paragraph in new language which would clearly spell out that local units of government could engage in those types of internal improvement at their own expense in which the state could not become involved.

Now, under this Committee Proposal 88, the state can become financially involved in carrying on all those types of programs that they are now prohibited from but which would be permissive under Committee Proposal 101. Do I make myself clear?

MR. G. E. BROWN: Well, I am not sure that you do, Mr. Hoxie. It seems to me that you were saying that 88 is so broad as to permit activity by the state which would be precluded by strict interpretation of 101.

Now, I can't believe that that is the interpretation that would ever be given to Committee Proposal 88. In each case you will notice it says "which each unit of government would have the power to perform separately." Now, if 101 would limit the legislature from participating in many of these things, they could not participate in these programs under 88, I would assume, and this is the only logical interpretation you can give to it, I believe.

MR. HOXIE: I think there is a little misunderstanding there, Mr. Brown. I think it is 2 different concepts. In 88 the concept is that the state may help finance projects at the local level. In 101 we recognize the problem of government at the local level or a combination of cities, counties, and whatnot, and we remove that restriction which under the court decisions have determined that being instrumentalities of the state, they would be prohibited from engaging in those other types of activity.

But with the new language in 101, that would give them the complete authority to engage in the type of activities indicated in 88, but the difference is, Mr. Brown, that it would be at the local unit's expense. And if you read the language in section b on the amendment relating to that section, I think you will clearly see that the state, as indicated by the opinion I quoted this morning, could become financially involved in the projects of local units of government, which I do not think is desirable.

CHAIRMAN DeVRIES: The question before the committee of the whole is the amendment offered by Delegates Hoxie and Upton to section b. As many as are in favor of the amendment —

MR. HOXIE: Division, please.

CHAIRMAN DeVRIES: Delegate Hoxie requests a division. Is there support for a division vote? There is sufficient support for a division vote. The question now is the adoption of the Hoxie-Upton amendment to section b, and the secretary will read the amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1082.]

MR. HOXIE: Will you have the section with the amendments read now?

SECRETARY CHASE: The language of item 1 at the bottom of page 1 would then read:

(1) To enter into contractual undertakings or agreements with one another or with any combination thereof for the joint administration of any of the functions or powers which each local unit of government would have the power to perform separately;

and item 2 with the amendment would read:

(2) To share the costs and responsibilities of functions and services with one another or with any combination thereof which each local unit of government would have the power to perform separately. . . .

CHAIRMAN DeVRIES: The question before the committee is the adoption of the Hoxie-Upton amendment. As many as are in favor will vote aye. As many as are opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the Hoxie-Upton amendment, the yeas are 25; the nays are 92.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to section b of Committee Proposal 88?

SECRETARY CHASE: Mr. King offers the following amendment:

1. Amend page 2, following line 20, by inserting a new subsection (6) to read as follows:

"(6) The purchase of public utilities or granting of public utility franchises except in the fields of heat, power and light shall be in a manner as provided by law, notwithstanding constitutional provisions to the contrary, if approved by a majority of the voters voting thereon of each unit of government to be involved.".

CHAIRMAN DeVRIES: The question before the committee is the King amendment. The Chair recognizes the gentleman from Pontiac, Delegate King.

MR. KING: Mr. Chairman, ladies and gentlemen of the committee, I think that what I am trying to accomplish here in no way weakens the fine work of the committee on local government. It has occurred to me and to several others of us that what we did in Committee Proposal 83 the other day with regard to a 3/5 majority involving utilities was perhaps a very wise thing and I supported it to the effect that 3/5 of the voters had to agree, and I still find no objection to 3/5 of the voters of each and every unit of government who want to combine having to agree in the areas of heat, light and power, because there is, so far as I know, no shortage of commercial interests available to supply these commodities, and I don't really think that the government ought to get into this area unless it is absolutely necessary.

However, I am afraid that the word "utilities" could be construed to include transportation, water and sewage disposal,

among other things, and in this area it seems to me that if 20 communities wanted to get together and form a bus line or a water system, that we would be compounding their problems by requiring this 3/5 vote in each and every individual community to such an extent that they wouldn't possibly be able to do it. I hope that this is not going to provoke extended debate because I don't think it is worthy of extended debate, but I just toss it out.

If Mr. Allen or Mr. Elliott have serious objection to it, I would just as soon withdraw it now and try to put it in at a later date. But I think perhaps we ought to give a little bit of thought to it, and I wouldn't want to offer an amendment at a time when full debate was not permitted either. So with that kind of an introduction, I will leave it to the pleasure of the committee.

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

MR. A. G. ELLIOTT: Mr. Chairman, Mr. King, I would like to urge the delegate to withdraw the amendment at this time and allow our committee to have an opportunity to do some research in this area, and I am sure that there will be no attempt to limit debate on this. You can speak as freely as you need to at the proper time.

MR. KING: I would be happy to withdraw it.

CHAIRMAN DeVRIES: Delegate King withdraws his amendment. Are there any further amendments to section b of Committee Proposal 88?

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 1, line 17, after "of" by inserting "services of"; and on page 2, line 12, after "thereof" by inserting "such"; so the language will read:

> Sec. b. The legislature shall provide by general law for the exercise of services of local government by 2 or more counties, cities, villages,"

and so forth and item 3 would read:

> (3) To transfer to each local unit of government or combination thereof such functions and responsibilities or both upon the consent of each unit of government involved.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Niles, Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and ladies and gentlemen of the committee, I must express that I have some considerable concern concerning section b of Committee Proposal 88, for as I read this particular section, I see that the committee has proposed that

> The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more of such units of local government. Under such general law such units of local government shall have power:

and skipping over to page 2, after line 11

> To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the consent of each unit of government involved.

My concern is this: first of all, we have suggested that we are going to allow the transfer by the local units of government not of services but actually of the functions of those local units to another body. In other words, we are allowing a local unit of government to delegate governmental functions, and it is not limited in any regard, so it is conceivable, reasoning to its fullest extent, that a county unit of the government could delegate every single function of its government to another body and only remain a county unit in shell form. It would delegate every single function of its responsibility.

Now, let me give you an example of how I think this might come about. I could conceive that the counties of Wayne, Oakland, Macomb and Genesee might some time determine that they don't want to have a situation like in Dade county, so therefore they would create a unit, a metropolitan authority, whereby they grant every single function that they have to this unit, and this 4 county unit then would carry on the responsibility of government for these 4 units.

And let me give you some of the problems that I can conceive might develop. When you allow this particular commission to carry out the functions of a local unit of government, they could conceivably carry out the election machinery. This complex governmental unit could create a situation where they would appoint a metropolitan manager, and he might manage this authority in whatever way he deemed proper. I could conceive that the 4 county metropolitan authority might develop a police force and a police department because, you see, in this grant of power — not only grant of power but mandate, because, as Mr. Downs pointed out, this is a mandate to the legislature — you have given them a mandate to provide a system whereby these county units of government can give over every single function of government which they have save none, and this concerns me when I think about a certain situation that now exists.

In Wayne county the board of supervisors is an appointive body. That means that an appointive body may delegate every single function of governmental responsibility to another unit of government, and I think this does what our friend has suggested that he didn't want to do. He has suggested he doesn't want a Dade county system of government. But, as a matter of fact, you are giving a mandate to the state legislature to create a situation where there can be set up a unit of government which looks very suspiciously to me like a Dade county unit of government.

I think this is a very serious problem, and especially when you take into consideration all the aspects of this particular wording. When you read imprimatur of the wording which allows the unit of government to delegate every single function of their responsibility to some other body, I would urge that we give great consideration to this and not move into some new type of governmental unit without giving a great deal of thought, and I urge the adoption of this amendment.

CHAIRMAN DeVRIES: The question before the committee is the Boothby amendment to section b. Delegate Elliott.

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

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Chairman, I think Mr. Boothby has invented a bogeyman here. I don't see how in his example Wayne county could delegate all of its functions under this, because to whom would it delegate them? Are they going to delegate them to Taylor township and have Taylor township do it all? Or are they going to delegate them all to Bill Suzore's town? There is nobody there that can do it. That is number 1. The number 2 point is we are talking about existing units of government: our counties, our cities, our townships, our school districts. Now, I don't know what "service functions" means. If you write a limiting term like that in and we don't know what it means, you may have made this thing ineffective. That is the second point.

And the third point is this: the legislature under a general law says that local units of government are allowed to transfer services, to share costs and to enter into contracts, but the legislature can put such limitations and restrictions on this power as it wants. And here is a protection. This is a mandate to do this, but it permits the legislature to draw conditions and limitations and restrictions, and we have to have some regulator on this because there may be townships which will want to contract with a county, and under this they can't do it unless each has the power to perform the function that they are contracting about. The legislature could turn around and give this power to the township.

I can't see any place, Mr. Boothby, in all respect to your argument, where this horrible thing that you point out could happen, first because I don't think it is practical under existing units. Secondly, the legislature can put restrictions on it. And, thirdly, after all, the board of supervisors of Wayne county does have men on it of judgment and they are elected by the people, many of them. I can't conceive of the elective bodies just saying "We are going to dump all of Wayne county over to something else." I don't know what it would be.

MR. BOOTHBY: Mr. Chairman, Mr. Allen, I would like to direct 2 or 3 questions to Mr. Allen. Perhaps he can clear this up for me.

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

MR. BOOTHBY: Mr. Allen has suggested that he could not conceive of the county of Wayne delegating its responsibility to Mr. Suzore's township, and I cannot conceive of that either. I am wondering, however, if the county of Wayne might delegate its responsibility to a 4 county complex under the wording of section b.

MR. ALLEN: Yes, I think it could, if the 4 counties would agree to do it.

MR. BOOTHBY: Mr. Chairman, Mr. Allen, as I understand the Dade county situation, it arose out of a matter where the people of the Dade county area, even though retaining their local units of government, by vote of the people created a more or less super governmental agency.

MR. ALLEN: The people of Dade county under a state law voted to set up what was called a metropolitan, extremely strong, county government in which functions by charter were taken away from each of the existing districts.

MR. BOOTHBY: Mr. Chairman and Mr. Allen, under the wording of this provision whereby any unit can delegate all of its functions conceivably to a complex governmental unit, as you have suggested it could, could not then they create a situation looking very similar to Dade county?

MR. ALLEN: I don't think so. I think this is designed, Mr. Boothby, to stop it. On the Dade county situation, in a countywide vote, the people of the county actually voted for a charter which took many of the powers that the cities had in unincorporated territory — because I don't think they have townships in Florida — away and gave it to this sort of fourth layer of government.

Under the arrangement which we have proposed here, you are going to have to have every elected person on the board of supervisors — and I know from experience and I think you do too that elected members aren't going to lightly shed their responsibilities — approving of any transfer of service.

This is designed to allow, for example, a city — we can already do it, but it is a good example — to transfer our health functions to the county, and the county will take it on. It would allow a township to transfer a service to a county if the county wanted to do it, or theoretically a county to transfer to a township. If we don't provide this flexibility, I don't know where we are going to go, and if there is going to be an abuse of it, the legislature is allowed to step in and make limitations.

MR. BOOTHBY: Mr. Chairman, Mr. Allen, doesn't this provision in fact go further than what was provided for in Dade county, in that in Dade county the state law gave the right to the people to decide whether they were going into a complex metropolitan authority, where in effect this provision allows for certain representatives of the people, some of which are appointed, to go into this type of an authority?

MR. ALLEN: No. I think as a practical matter that the Dade county situation was easier to do, because it was a general vote of the area, and the large city of Miami could outvote the other units.

Here each unit would stand on its own with its own elected representative.

CHAIRMAN DeVRIES: Will the gentleman from Niles yield to the gentleman from Schoolcraft, Delegate Brown?

MR. BOOTHBY: Yes, I will, Mr. Chairman.

CHAIRMAN DeVRIES: Delegate Brown.

MR. G. E. BROWN: I rise to oppose the Boothby amendment because by the addition of the words "services of" as he has proposed, the substantial merit of the proposition, as I see it, from a particular area, especially the more rural areas, would do away with the possibility of smaller townships combining together to exercise police powers which are administrative in nature and not service in nature. This is where I see much of the benefit in a proposal of this nature such as in zoning, platting and what have you.

CHAIRMAN DeVRIES: Delegate Boothby.

MR. BOOTHBY: I would like to suggest that this particular proposal which we have before us does provide a machinery whereby we can create a situation such as Dade county. I don't know that we will, but they did it in one state.

I would feel very constrained to answer one argument which Mr. Allen has set out, and that is that the elected representatives would not delegate their responsibilities, and so this is a check upon such a system developing. Actually, in Dade county those officials didn't give up, many of them, their jobs and their salaries. All they did was to create another agency and give another agency an additional position in this particular area, so what they did was just to create another governmental body.

I feel that the amendment should be adopted and I urge its adoption by this body.

CHAIRMAN DeVRIES: The question before the committee is the Boothby amendment. The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, members of the committee, there are distinct differences here, and the first one is that in any law that the legislature may adopt, any restrictions that they desire to make can be made. The Dade county situation is not comparable in many respects, and I think Mr. Allen has made those eminently clear.

I would urge the defeat of the amendment.

CHAIRMAN DeVRIES: Will Delegate Elliott yield to the gentleman from Garden City, Mr. Brown?

MR. A. G. ELLIOTT: I will on that particular issue.

CHAIRMAN DeVRIES: Delegate Brown.

MR. T. S. BROWN: I just wanted to say in reference to Mr. Boothby's fear that I think it is ill founded, because it flies in the face of a universal law of nature. This universal law is that all organisms tend to perpetuate and aggrandize themselves. This is true when you are talking about one celled amoebas; and when you get into a complicated organism called the local politician, this particular organism is not likely to dissipate his particular power. As a matter of fact, he is going to try to aggrandize it. So you are not going to run into the dangerous situation of local units of government controlled by local politicians disseminating their power and diffusing it by pledging all of their responsibility and loyalty to some super form of government.

CHAIRMAN DeVRIES: Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and Mr. Elliott, you have suggested, as I understand it, that the legislature can place on restrictions so that we won't run into a Dade county situation. But again I call the attention of the members of this committee to the fact that this is a mandatory provision, as Mr. Downs has pointed out, and the mandatory provision is very clear. It doesn't give any discretion as to what the legislature shall do in certain areas. It says that they shall have power to transfer to each local unit of government or combination thereof functions or responsibilities or both upon the consent of each unit of government involved, and when it refers to the types of units, you will note back on lines 18 and 19 that it refers to counties, cities, villages, townships or districts, or combinations thereof.

Now, in reply to Mr. Brown, he has cited a law of nature where people tend to stay in power. I am going to cite a law of government which I believe is universally true: that all governments tend to become more centralized and that governments tend to increase their power and authority as time goes on, and this is what I am worried about.

CHAIRMAN DeVRIES: Delegate Hodges.

MR. HODGES: I would just merely suggest that Mr. Boothby reserve his concern for the metropolitan areas when it comes to apportionment, and let us have the powers that we need at this time to do a job.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegate Boothby to section b. As many as are in favor of the amendment will say aye.

MR. BOOTHBY: Division.

CHAIRMAN DeVRIES: Delegate Boothby requests a division vote. Is there support for a division? There is support. All those in favor of the amendment offered by Delegate Boothby to section b will vote aye. All those opposed will vote no.

The secretary will read the amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1084.]

CHAIRMAN DeVRIES: The secretary will lock the machine and tally the vote.

MR. GADOLA: Mr. Chairman.

CHAIRMAN DeVRIES: For what purpose does the gentleman rise?

MR. GADOLA: For information. While he is recording the vote, I would like to have someone explain, because I am ignorant, how did Dade county get in here and what is it all about? (laughter)

CHAIRMAN DeVRIES: I wish the Chair could answer the inquiry, Delegate Gadola, but he can't. The secretary will announce the vote.

SECRETARY CHASE: On the amendment offered by Mr. Boothby, the yeas are 33; the nays are 87.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to section b?

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 2, line 13, by striking out "consent of" and inserting "approval of a majority of the electors voting thereon in"; so that item 3 will read:

> To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the approval of a majority of the electors voting thereon in each unit of government involved.

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

MR. BOOTHBY: Mr. Chairman, members of the committee, this amendment would provide for the vote of the people to decide whether they are going to delegate their functions of government rather than to allow boards of supervisors or some other body to delegate this responsibility. It gives to the people the right to make the decision. I urge the adoption of this amendment.

CHAIRMAN DeVRIES: The question is on the adoption of the Boothby amendment to section b. The Chair recognizes Delegate Boothby.

MR. BOOTHBY: I was just going to ask for the yeas and nays when the matter is voted on.

CHAIRMAN DeVRIES: Delegate Boothby requests a division vote. Is the request supported?

MR. PELLOW: Mr. Chairman.

CHAIRMAN DeVRIES: Is the request supported?

MR. PELLOW: Mr. Chairman, I am seeking recognition, sir.

CHAIRMAN DeVRIES: You are out of order right now, Delegate Pellow.

Is there support for a division vote?

MR. PELLOW: What kind of a dictatorship is this when you rise to the floor and can't get the attention of the Chair?

CHAIRMAN DeVRIES: When the question of the division is settled, Delegate Pellow, the Chair will recognize you.

MR. PELLOW: Forget it.

CHAIRMAN DeVRIES: Is there support for a division vote? There is support for a division vote.

Now the Chair recognizes the gentleman from Bessemer, Delegate Pellow.

MR. PELLOW: Go ahead, run your show. We'll have ours in November.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Boothby to section b. A division vote has been requested. The secretary will read the amendment.

SECRETARY CHASE: The amendment is:

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

CHAIRMAN DeVRIES: The question is on the Boothby amendment. As many as are in favor will vote aye. As many as are opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Boothby, the yeas are 39; the nays are 77.

CHAIRMAN DeVRIES: The amendment is not adopted.

The Chair recognizes Delegate Habermehl.

MR. HABERMEHL: Mr. Allen has stated, Mr. Chairman, that there must be a regulator here and that the legislature would serve that purpose. I would like to ask the chairman of the committee or Mr. Allen where in the language adopted by the committee there would be any discretion whatsoever vested in the legislature.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: It is contemplated in the beginning under general law, and under such general law they shall have the power. It is contemplated here that the legislature can spell out the restrictions in the terms and the limitations.

MR. HABERMEHL: Mr. Chairman, Mr. Allen, except that if the legislature chooses to act, it must assign certain powers to the metropolitan authority, according to the subparagraphs. That, it would appear to me, is mandatory upon the legislature that those items must be included in the general law.

MR. ALLEN: Well, don't say "metropolitan authority," Delegate Habermehl. That is in section a. This is the existing units of government. Yes, the legislature when it passes the law must say, under any restrictions the legislature wants, that units have the right to contract, share costs, transfer services and cooperate. They can qualify it.

MR. HABERMEHL: One further question, if I may. How is it contemplated that the local units would act? By ordinance, regulation?

MR. ALLEN: By vote of their governing bodies.

MR. HABERMEHL: Not subject to referendum?

MR. ALLEN: When we discussed it, we didn't get into this point. I think that as long as this is done by the legislature, if the legislature wanted to, in certain fields if you had major transfers of power, the legislature could go ahead and put in a qualification of a vote, which would be Mr. Boothby's, but it wouldn't be a vote for every little thing under this.

MR. HABERMEHL: I am afraid that problem still concerns me rather greatly, that actually the power of the legislature here to act as a regulator has been largely taken away by the language.

CHAIRMAN DeVRIES: Are there any further amendments to section b of Committee Proposal 88?

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 1, line 16, after "legislature" by striking out "shall" and inserting "may"; so that the language will read, "The legislature may provide by general law for the exercise of local government by 2 or more counties," and so forth.

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

MR. BOOTHBY: Mr. Chairman, I beg the indulgence of this committee. I know I have taken considerable time. This amendment would insert the word "may" where the word "shall" is now, so that it would read:

> The legislature may provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more of such units of local government. Under such general law such units of local government shall have power:

Then they must provide these specific items if the legislature sees fit to act. This would be one of the regulators that we might place and give power to the legislature to exert.

I urge the adoption of this amendment.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Boothby to section b. Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, this would completely reverse the 4 hours of discussion or 5 hours that we have had today and the votes that have been taken. I urge the defeat of this amendment. I am sure that there are proper

protections here as have been outlined by Mr. Allen several different times.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Boothby to section b. The secretary will read the amendment.

SECRETARY CHASE: Mr. Boothby's amendment:

1. Amend page 1, line 16, after "legislature" by striking out "shall" and inserting "may".

MISS DONNELLY: Mr. Chairman, I request the yeas and nays.

CHAIRMAN DeVRIES: Delegate Donnelly requests a division vote. Is there support for a division vote? There is support. As many as are in favor of the Boothby amendment will vote aye. As many as are opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Boothby, the yeas are 25; the nays are 86.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to section b of Committee Proposal 88? The Chair recognizes the gentleman from Schoolcraft, Delegate Brown.

MR. G. E. BROWN: Mr. Chairman and members of the committee, I rise to a point of personal privilege. It seems to me that the vote on the previous Boothby amendment as it will appear in the action journal or in the verbatim journal of this convention very likely could be interpreted as tying the hands of the legislature and precluding the legislature from putting in any such act that, as to any aspect of the powers granted by this constitutional provision, they may not be determined by a vote of the electors. That certainly is not contemplated by me and I am sure it is not contemplated by the committee; that the legislature may see fit as to some aspect of the powers granted that this shall be by consent of the local unit of government, meaning vote of the electors rather than by resolution of the board. And I wanted to leave this to the legislature. I think this should be clearly put in, so far as my vote is concerned at least, that this was not a preempting of the idea that the legislature may put in such an act, a vote of the electors.

CHAIRMAN DeVRIES: The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Brown, I am sure the intent of the committee was not to do that in the defeat of this amendment. We feel that within the provisions of this section, the legislature has the right to provide by general law to make whatever modifying requirements they may feel right and proper.

MR. G. E. BROWN: I was sure that this was the intent of the committee but I just wanted to make certain it was put in the record as such.

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

MR. WANGER: Mr. Chairman, I have an amendment — I don't think it is one that should cause any controversy — which I request the secretary to read.

SECRETARY CHASE: Mr. Wanger offers the following amendment:

1. Amend page 1, line 20, after "government" by striking out the period and "Under such general law such units of local government shall have power" and inserting a semicolon and "which general law shall authorize such units of local government"; so the language will then read:

> Sec. b. The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more such units of local government; which general law shall authorize such units of local government:

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

MR. WANGER: Mr. Chairman, members of the committee, briefly this amendment is merely to clarify an unfortunate ambiguity in the present language, and it is to bring that language into complete accord with the committee's intent as just expressed by Delegate Allen when he said that it was contemplated here that the legislature shall spell out the restrictions and limitations and so forth. But the words which are presently in this sentence, "Under such general law such units of local government shall have power," can be interpreted as automatically making all of the numbered subparagraphs self executing no matter what kind of a general law might be passed pursuant to the first sentence of the section. This would unduly restrict the legislature, and therefore I think this amendment will clear up that ambiguity.

CHAIRMAN DeVRIES: The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I have no objection to the amendment. I think it does do what Mr. Wanger says, and we are grateful for it.

CHAIRMAN DeVRIES: The question before the committee is the Wanger amendment to section b. The secretary will read the amendment.

SECRETARY CHASE: Mr. Wanger's amendment is:

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

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

The amendment is adopted.

Pursuant to the motion passed by the convention this morning, the Chair will declare the committee of the whole will rise for the purpose of a 10 minute recess, and call the vice president to the Chair. Vice President Downs. (applause)

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

VICE PRESIDENT DOWNS: The convention is in order. I think we can recess without any parliamentary problems.

We will recess for 10 minutes. No motion in order. (applause)

[Whereupon, at 3:25 o'clock p.m., in pursuance of the order previously made, the convention recessed; and, at 3:40 o'clock p.m., reconvened.]

The convention will be in order.

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

VICE PRESIDENT DOWNS: The convention will resolve itself into committee of the whole with Delegate DeVries in the Chair.

[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.

Are there any other amendments to Committee Proposal 88?

SECRETARY CHASE: Mr. Habermehl has filed an amendment. Mr. Habermehl's amendment applies to the language that was in the proposal before the amendment of Mr. Wanger was adopted. It does not now apply, Mr. Habermehl.

MR. HABERMEHL: I don't know, Mr. Chase, where it would fit now, but the same language still remains in Mr. Wanger's amendment, the language "shall provide".

SECRETARY CHASE: The language now is "which general law shall authorize such units of local government:"

MR. HABERMEHL: My amendment would be directed at just before the subparagraphs where it says "such units shall have power". My amendment would strike the words "shall have" and substitute for them "may be granted power".

SECRETARY CHASE: Mr. Wanger's amendment struck out all of that language; struck out the entire language "Under such general law such units of local government shall

have power:" and inserted in lieu "which general law shall authorize such units of local government:"

MR. HABERMEHL: May I see Mr. Wanger's amendment?

Mr. Chairman, my amendment, as it would apply to the amendment of Mr. Wanger as adopted by the committee, would substitute the word "may" for the word "shall" before the word "authorize".

SECRETARY CHASE: Mr. Habermehl's amendment now is:

1. Amend page 1, line 20, after "general law" by striking out "shall" and inserting "may"; so that the language will then read, "which general law may authorize such units of local government:"

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Alpena speaking on the amendment.

MR. HABERMEHL: Mr. Chairman, I believe this would do what the committee on local government said that they want. It would give the legislature the opportunity to be the regulator to have discretionary power in this field. In view of the fact we have said that the state funds may be used in any of these projects, to then state that the legislature shall have no discretion but must provide these powers to local government actually deprives the state of any authority over the expenditure of that money.

This would simply give the legislature the power that belongs to the legislature and let them decide how it is to be expended.

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

MR. A. G. ELLIOTT: Mr. Chairman, Delegate Habermehl, this does not conform with the committee approach to this problem, and I would urge its defeat.

CHAIRMAN DeVRIES: The question before the committee of the whole is the amendment offered by Delegate Habermehl to section b. The secretary will read the amendment.

SECRETARY CHASE: The amendment is:

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

MR. HABERMEHL: I ask a division on this, Mr. Chairman.

CHAIRMAN DeVRIES: Delegate Habermehl requests a division vote. Is the request supported? The request is supported. As many as are in favor of the Habermehl amendment will vote aye. As many as are 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. Habermehl, the yeas are 32; the nays are 74.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to the body of Committee Proposal 88?

SECRETARY CHASE: Mr. Norris offers the following amendment to Committee Proposal 88 and the amendment offered by Mr. Wanger which has been agreed to:

1. Amend page 1, line 20, after "government" by inserting "among other things"; so the language will then read, "which general law shall authorize such units of local government among other things:" and going on (1) and (2) and so forth.

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

MR. NORRIS: Mr. Chairman, it was my apprehension as a result of the language that has been adopted that the legislature wouldn't have the power here, or at least it was susceptible to the argument that it might not have the power to provide for matters in addition to the entry of the various units into contractual undertakings and so forth, the 5 subparagraphs there, and to give that latitude and at the same time provide for the full implementation of that which the committee had in mind, I think that this would serve a useful purpose, particularly in light of a rule of construction whereby when you spell out things, the general idea is that you exclude other things, and I think this would serve the purpose here of guiding both the legislature and courts in the full implementation of that which the committee intended by this language.

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

MR. A. G. ELLIOTT: Mr. Chairman, I have no objection to the amendment.

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Well, I was just about to say that it seems to me we are demonstrating this afternoon a great lack of faith in the committee on style and drafting. What we are trying to do is to redraft this amendment, whereas those of us who favor it have already said that we would be willing to have the committee on style and drafting improve the verbiage.

CHAIRMAN DeVRIES: The question before the committee of the whole is the adoption of the amendment offered by Delegate Norris to section b. The secretary will read the amendment.

SECRETARY CHASE: The amendment is:

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

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

The amendment is adopted. Are there any further amendments to the body of Committee Proposal 88? The gentleman from Taylor, Delegate Ford.

MR. FORD: Mr. Chairman, just before the recess, Mr. Allen made a suggestion that we should provide for the transfer of all the county powers in Wayne county to the township of Taylor. I conferred with my associate, Mr. Marshall, during the recess and we have decided that we would be agreeable to this if Glenn wants to make it as a motion; provided, however, that Mr. Marshall and I be the charter commission and the first office holders in the newly created kingdom. (laughter)

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Charlevoix, Delegate Shanahan.

MR. SHANAHAN: Mr. Chairman, I have a question here. On page 2, line 16, there occurs the term "intergovernmental agencies." I am just wondering what the scope of that term is. I haven't heard it discussed. I thought I had heard everything about this section, but that has not been discussed at all. I would like to know just what is intended by that term.

CHAIRMAN DeVRIES: Delegate Shanahan yields to Delegate Elliott.

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

CHAIRMAN DeVRIES: Delegate Elliott yields to Delegate Allen.

MR. ALLEN: Mr. Shanahan, supposing, for example, under this that several units get together and set up a planning body to do some planning for an overall area. This is done on a cooperative basis. This simply says that any of the existing units may jointly cooperate with this thing that is set up on a voluntary basis. In other words, it really restates what is happening in Detroit right now where existing units of government are voluntarily, on their own, cooperating with what is called the 6 county intercooperative committee.

MR. SHANAHAN: Well, I could understand that, but I was wondering if it went beyond the borders of the state of Michigan. Does it limit it to the state of Michigan or would it be possible to read into this authority to go beyond the boundaries of our state?

MR. ALLEN: It does not go beyond the boundaries of the state of Michigan. I do think there is some wisdom in the case of Detroit being able to do some things with across the water, but we didn't go that far and it is not in here.

MR. SHANAHAN: Where is it that this is limited just to the state of Michigan?

MR. ALLEN: It would have to refer in some way to a foreign government or to another government.

MR. SHANAHAN: Foreign government? You mean by that, we'll say, Canada?

MR. ALLEN: Canada, yes. This was the question which

Dr. Pollock asked me the first thing yesterday, and the answer to him was no; this didn't get into the international field.

MR. SHANAHAN: Well, does this get into the interstate field? I don't see anything in here any place yet that would limit it to the state of Michigan.

MR. ALLEN: No.

MR. SHANAHAN: Is it some place? I am not familiar with it. You have undoubtedly made a study of it.

MR. ALLEN: Well, as Mr. Downs said — and I thought the criticism of this proposal would be that it did too little rather than some people fearing that it does too much — I would say that this does not get into the interstate field, because if it did, we would have had to have mentioned other states by reference.

MR. SHANAHAN: I would like to see it tied down definitely. If I could be indulged, I would like to insert as an amendment "the state government and Michigan intergovernmental agencies" or equivalent words.

SECRETARY CHASE: Mr. Shanahan offers an amendment:

1. Amend page 2, line 16, after "and" by inserting "Michigan"; so the language will then read, "(4) Jointly to cooperate with one another and with state government and Michigan intergovernmental agencies;".

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

MR. A. G. ELLIOTT: Mr. Chairman, let's just stand pat for just ½ second, because I would like Mr. Allen to answer that. We are trying to get that gentleman in the back of the room all the way around there so Glenn can see a little message I sent him.

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Am I supposed to filibuster? Do I read it, Art? (laughter)

MR. A. G. ELLIOTT: It would be fine if you would.

MR. G. E. BROWN: You mean you haven't been? (laughter)

CHAIRMAN DeVRIES: Does the gentleman care to proceed?

MR. ALLEN: The note says "Intra instead of inter."

Mr. Shanahan, the only thing I would say is this: if we put in "Michigan" — and this is all right by me — since it is in the constitution, it might imply that we never could cooperate with anybody in Ohio or in Wisconsin. I don't think we want to shut that possibility out. For example, supposing that a township that borders Toledo wants to cooperate with the people in Ohio?

This section only refers to joint cooperation. There is no power involved at all in this section. And I would say that if you say "Michigan" you might imply that a township could do nothing cooperatively at all with someone across the border. I think it would be unwise.

MR. SHANAHAN: Well, I understand Mr. Allen got a note saying "intra instead of inter." I was wondering if that was a suggestion in regard to the use of a prefix to accomplish what I had in mind, or what is the purpose of that comment?

MR. ALLEN: I think it refers, Mr. Shanahan, to the word "intergovernmental" and make it "intra."

Mr. Elliott, would you explain this, because I don't know what we mean by "intra" here. Intra what?

CHAIRMAN DeVRIES: Delegate Allen yields to Delegate Elliott.

MR. A. G. ELLIOTT: Thank you, Glenn! (laughter) Mr. Chairman, this may not have done what I thought it would do. It was my thought that if we made it "intragovernmental" instead of "inter" it would indicate that it was within the governmental units.

However, I think Glenn has raised a good point here, Mr. Shanahan, that this is the portion of this proposal which talks about jointly to cooperate with. This does not have the same function as steps 1, 2, 3 or 5, and in that respect I don't think that we want to perhaps restrict any of our Michigan communities from the opportunity of cooperating with, as long as we aren't getting into these other areas.

CHAIRMAN DeVRIES: Delegate Lundgren.

MR. LUNDGREN: Now that you have raised the question, I would ask this one thing, because it becomes a very interesting situation to our particular locality with Menominee on one side of the river and Marinette adjacent by ¼ of a mile across the river, where in years past we have not been able to get together on some governmental activities, that this might open the door. Is that the view of the committee?

CHAIRMAN DeVRIES: Delegate Allen.

MR. ALLEN: Mr. Lundgren, as far as making any contracts is concerned, you wouldn't be able to do it under our language because it is limited to the local units in Michigan, but you would be able to cooperate. I suppose you may be cooperating anyway. I don't know whether you are. This would allow you to cooperate, but it doesn't allow you to cooperate to the extent that you can pay any costs or share costs or make intercontracts.

MR. LUNDGREN: Well, I don't know if that satisfies me entirely, because you are still leaving sort of a quasi feeling: how far can you go in this thing? I am thinking of sewage plants in the future, though we both have them now, but as you become bigger, as I am sure we are going to, just how far can we go? We have cooperated on bridges, but this is something different.

MR. ALLEN: Well, I think that since this doesn't take the whole power from the legislature by any means but only directs them to do it in certain cases, and particularly in view of the Norris amendment "among other things," the legislature could go out of its way to allow, in a special statute, you to do the very things that you want. But it wouldn't be done under this.

MR. LUNDGREN: Thank you.

CHAIRMAN DeVRIES: Delegate Donald Doty.

MR. DONALD DOTY: I wish to object to the changing of the wording from "inter" to "intra." We in Monroe county are at this time negotiating with Toledo for water facilities in southern Monroe county, and if this would in any way endanger this negotiation or this contract, I would object to the changing of the word.

CHAIRMAN DeVRIES: Delegate Doty, it is the understanding of the Chair that that has not been offered as an amendment. The question before the committee is the Shanahan amendment to section b. The Chair recognizes Delegate Shanahan.

MR. SHANAHAN: I believe that some other people want to talk on this.

CHAIRMAN DeVRIES: Will you yield to Delegate Cudlip?

MR. SHANAHAN: I am glad to yield to anyone wishing to talk on this. I am trying to get some information.

CHAIRMAN DeVRIES: Delegate Cudlip.

MR. CUDLIP: Mr. Chairman, Mr. Elliott, members and Mr. Shanahan, I don't think we should do anything here to preclude the units of government from cooperating with other states or foreign governments. I was interested to note soon after my good friend stood, to see Delegate Doty and Delegate Lundgren rise. They live in areas as I and others do where this problem is very important, to say nothing of the Soo and the Canadian Soo.

Right now in Detroit there is cooperation by the state and the city of Detroit and other communities there with Canada and with a joint commission which relates to air pollution and refuse disposal from the vessels. There are a number of problems like that, and I am sure they exist where our state abuts other states or the foreign country of Canada, and this language is clear and specific and necessary, and any preclusive language would defeat a very important purpose here.

CHAIRMAN DeVRIES: Delegate Pollock.

MR. POLLOCK: Mr. Chairman, I just want to repeat again that since these important interstate matters are not covered in this proposal, that it ought to be somebody's business to bring before the convention — presumably now the committee on emerging problems — a proper constitutional provision which would make possible and would facilitate interstate arrangements, which certainly are going to be more important rather than less important in the future.

CHAIRMAN DeVRIES: Delegate King.

MR. KING: Mr. Chairman and fellow delegates, in response to the comments by Dr. Pollock, I would only say that we are considering this problem, and to give you an idea of our direction, I will read to you a draft that our subcommittee is presently studying — very brief. It says:

> The legislature may provide by law for cooperation on the part of this state and its political subdivisions with the government of the United States for compacts and agreements with other states of the union in matters affecting the health, safety and general welfare.

So obviously we are interested in this particular area, and we would not want to see any sort of a limiting word placed in Committee Proposal 88 which might defeat our purpose, so I would not support the Shanahan amendment.

CHAIRMAN DeVRIES: The question is on the amendment offered by Delegate Shanahan.

CHAIRMAN DeVRIES: Delegate Shanahan.

MR. SHANAHAN: I am still wondering just what is the scope of intergovernmental agencies. I am not so concerned about whether my amendment is adopted or not. I am just wondering what we are getting into. I don't see anything in this to prevent, for instance, 2 townships perhaps joining into some agreement with such intergovernmental agencies as the United Nations or a part of the United Nations or perhaps NATO or some other international agency. I am wondering if this does or does not preclude such an interpretation.

CHAIRMAN DeVRIES: Are you addressing a question to one of the delegates?

MR. SHANAHAN: I am addressing a question to somebody that maybe can answer it.

CHAIRMAN DeVRIES: Mr. Shanahan yields to Delegate Allen.

MR. ALLEN: Yes, Mr. Shanahan, this does not contemplate anything that deals at all with any foreign country. If so, we would have to say so. We can't do it under this.

MR. SHANAHAN: Where does it say so?

MR. ALLEN: Well, it says so because in order to have the power, you would have to say "with a foreign government."

CHAIRMAN DeVRIES: The question before the committee is the adoption of the amendment offered by Delegate Shanahan to section b, which the secretary will read.

SECRETARY CHASE: Mr. Shanahan's amendment:

[The amendment was again read by the secretary. For text, see above, page 1089.]

CHAIRMAN DeVRIES: As many as are in favor of the amendment offered by Delegate Shanahan will say aye. As many as are opposed will say no.

The amendment is not adopted. Are there any further amendments to the body of Committee Proposal 88? If not, it will pass.

Committee Proposal 88, as amended, is passed. The secretary will read.

SECRETARY CHASE: Returning now to item 3 on the calendar which was under consideration yesterday, the consideration of which was postponed until the 2:00 o'clock session today, from the committee on local government, by Mr. Elliott, chairman, **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.

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*For last previous action by the committee of the whole on Committee Proposal 85, see above, page 1055.*

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**At the time the matter was postponed, Mr. Mahinske had offered an amendment. He has now revised the amendment slightly so that it reads as follows:**

**1. Amend page 1, following line 20, by inserting a new section to read as follows:**

**"Sec. c. Any county, through its legislative body, shall have the authority to enter, or to intervene in any suit or certificate proceeding involving the service, charge or rate made by any privately owned public utility furnishing services or commodities to rate payers within the county.".**

CHAIRMAN DeVRIES: The question is on the adoption of the amendment, as revised without objection, offered by Delegate Mahinske. The Chair recognizes the gentleman from Detroit, Delegate Mahinske.

MR. MAHINSKE: I just slightly altered this to take care of some thoughts that some people had with reference to publicly owned public utilities, and we have cleared up the language here that we are definitely talking about private utilities.

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

MR. A. G. ELLIOTT: Mr. Chairman, members of the committee, our committee met and has no objection to this amendment.

CHAIRMAN DeVRIES: The question now is on the adoption of the amendment offered by Delegate Mahinske. The Chair recognizes Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to ask Mr. Mahinske why it is that his amendment would only authorize a county to do this. Can you explain why the other units are precluded, apparently?

CHAIRMAN DeVRIES: Delegate Mahinske.

MR. MAHINSKE: The other units, Delegate Hutchinson, are included in other committee proposals. This is adding an additional unit that may appear in these suits as a nonuser.

MR. HUTCHINSON: Do I understand then that in other provisions of the constitution, other units of government who are nonusers will be permitted to appear?

MR. MAHINSKE: Yes, villages, cities, townships, so forth.

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

MR. KARN: Mr. Chairman and members of the committee, I would like to say in connection with this proposed amendment that this is a duplication. At the present time any city, any township, any incorporated village which has issued a franchise has the right to intervene in any rate procedure or anything of that nature. Generally speaking, those 3 governmental groups, the cities, the villages and the townships, cover the entire county. So if this amendment should be passed, it merely imposes another governmental body on top of the 3 that have, you might say, jurisdiction, because the entire county as a rule is covered by all of the townships, and franchises exist.

This is a duplication. It means more people taking of their time to come in, and I think that the territory is completely covered at the present time and this should not be approved.

CHAIRMAN DeVRIES: The Chair recognizes Delegate Mahinske.

MR. MAHINSKE: I would like to point out to the previous speaker that this amendment is not intended and does not give the counties authority to issue franchises. This gives the counties authority through their legislative body to appear in these matters where they are a nonuser. Now, these long, protracted cases may be entirely too expensive for a local school district or a local township to take the burden on themselves. This would conform with the federal practice. The counties do have standing before the federal power commission, but because of the recent supreme court cases in Michigan, they do not have standing as a nonuser before the supreme court or the Michigan public service commission.

CHAIRMAN DeVRIES: Delegate Mahinske yields to Delegate Karn.

MR. KARN: Mr. Chairman, members of the committee, I just want to reiterate that all areas of the county are now provided the right to intervene and to appear in any cases before regulatory commissions, so that by adding the county, it puts another body in an area which is already entirely covered.

CHAIRMAN DeVRIES: Delegate Ford.

MR. FORD: Mr. Chairman, I would like to support Mr. Mahinske's amendment. I think that for a county like Wayne county, this is very important, and I want to indicate that

MR. DOWNS: I wish to announce I may reserve my right to abstain.

CHAIRMAN DeVRIES: Vice President Downs wishes to abstain.

MR. FORD: A parliamentary inquiry, if I may.

CHAIRMAN DeVRIES: State your point.

MR. FORD: The text I have in front of me indicates that this is what we would be voting on as an amendment to Committee Proposal 89. It was my understanding that before we could vote on the committee proposal or amendments thereto, we first had to vote on the minority report if one was filed, and I believe the minority report does cover the same subject matter as this amendment. I think that we are entitled to have the minority report disposed of, which happens to have some of the same signers as this amendment, but isn't identical.

Unless all of the signers of the minority report are willing to withdraw it, I think we have the right to have it considered.

CHAIRMAN DeVRIES: Delegate Ford, we are considering an amendment to section a. The minority report concerns sections b and c.

MR. FORD: Well, I want to ask the Chair if he has a copy of this in front of him. This was distributed to us. It says, "Amend lines 6 through 22 by striking it out and inserting . . ." Then at the very bottom it says: "Amend page 2, lines 1 through 14, by striking all of section b." How much of this are we voting for?

CHAIRMAN DeVRIES: Mr. Ford, the Chair does have that, and the last sentence on the sheet is an amendment to section b. It will be considered as a separate amendment. All we are concerned with right now is the amendment to section a, the 3 paragraphs on the sheet.

MR. FORD: All right. Now, are we amending section a of the committee report or section a of the minority report?

CHAIRMAN DeVRIES: Section a of the committee report.

MR. FORD: Then why are we amending the committee report before we vote on the minority report?

CHAIRMAN DeVRIES: Because the minority report is concerned with sections b and c. Presently the committee is concerned with section a, the amendment to that section.

The question is on the adoption of the amendment. As many as are in favor will vote aye. As many as are opposed will vote no. The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment to section a offered by Mrs. Judd, Mr. Brake and Mr. Arthur Elliott, the yeas are 79; the nays are 24.

CHAIRMAN DeVRIES: Delegate Madar.

MR. MADAR: I just wanted to explain my vote, because I believe that this will be known all over the state, and all I have heard is about true home rule. This amendment does not give true or strict home rule. I read editorials, newspaper accounts, and I only hope and pray that the Detroit News, the Detroit Free Press and the other newspapers print this like they did everything else, and lay the blame for not getting strict home rule where it belongs — on the Republican party.

CHAIRMAN DeVRIES: The amendment is adopted. Are there any further amendments to section a?

MR. MARSHALL: Mr. Chairman.

CHAIRMAN DeVRIES: Delegate Marshall.

MR. MARSHALL: Mr. Chairman, I just want to make a brief statement and then I will make a motion. I don't want to be put in the position of being the one to move that we rise or that we adjourn, but we have been here now for almost 4½ hours, and it is a little hard after you sit for 4½ hours to concentrate and to keep up with what is going on. I notice that, looking around the hall, people are getting drowsy. Many of them have left. A few of them have been asleep, and it just seems to me with the time we put in this morning and a 4½ hour stretch this afternoon that this is enough, and at this time I would like to move, Mr. Chairman, that the committee do now rise.

CHAIRMAN DeVRIES: Delegate Marshall moves that the committee of the whole do now rise. As many as are in favor of the motion will say aye. Opposed, no. The Chair is in doubt. As many as are in favor of the committee rising will vote aye. Those opposed will vote no. The secretary will lock the machine and tally the vote.

Delegate Brown, for what purpose does the delegate arise?

MR. T. S. BROWN: A matter of personal privilege, Mr. Chairman.

CHAIRMAN DeVRIES: Can you wait until the vote is tallied?

MR. T. S. BROWN: Yes.

CHAIRMAN DeVRIES: The secretary will announce the vote.

SECRETARY CHASE: On the motion that the committee rise, the yeas are 59; the nays are 54.

CHAIRMAN DeVRIES: The motion prevails. The committee will rise.

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

MR. T. S. BROWN: Mr. President.

VICE PRESIDENT ROMNEY: Delegate Brown.

MR. T. S. BROWN: Thank you, Mr. President. I just wanted to make some remarks, which if the matters contained in the committee of the whole are not recorded in the journals and the remarks contained when we rise are, will not necessarily make any sense.

VICE PRESIDENT ROMNEY: Delegate Brown, the secretary informs me that remarks are not in order until we hear a report on the work conducted in the committee of the whole. I will recognize you as soon as we have done that.

Delegate DeVries.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 88,** A proposal pertaining to metropolitan areas; and reports this committee proposal back to the convention with an amendment, recommending that the amendment be agreed to and the proposal as thus amended do pass.

Following is the amendment:

1. Amend page 1, line 20, after "government" by striking out the period and "Under such general law such units of local government shall have power:" and inserting a semicolon and "which general law shall authorize such units of local government among other things:".

VICE PRESIDENT ROMNEY: Those in favor of the recommended amendment vote aye. Opposed?

The amendment is adopted.

SECRETARY CHASE: Mr. Boothby offers the following amendment to Committee Proposal 88:

1. Amend page 2, line 13, by striking out "consent of" and inserting "approval of a majority of the electors voting thereon in"; so that page 2, subdivision 3, beginning at line 11, will read:

(3) To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the approval of a majority of the electors voting thereon in each unit of government involved.

VICE PRESIDENT ROMNEY: Delegate Boothby.

MR. BOOTHBY: Mr. President, I would like to call for a record roll call vote.

VICE PRESIDENT ROMNEY: Is the demand seconded?

SECRETARY CHASE: Seventeen.

VICE PRESIDENT ROMNEY: Not a sufficient number. Delegate Ford.

MR. FORD: It is very apparent from what has already happened here today that we are going to have a whole series

of amendments. We saw what happened last night, and I think everybody is about as tired as they ought to be for one day, and I wouldn't want to face the challenge of getting up here again, the way I feel about the manner in which this decision was made.

I would like to have your cooperation when I move that we adjourn until tomorrow morning.

VICE PRESIDENT ROMNEY: The question is on the motion that we adjourn. Those in favor will say aye. Opposed?

The motion prevails. We are adjourned until 9:30 tomorrow morning.

[Whereupon, at 6:35 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Friday, February 16, 1962.]

# EIGHTY-FIRST DAY

**Friday, February 16, 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 Reverend Forest Friese, Pastor of Bethlehem Lutheran Church in Roseville. Reverend Friese comes at the invitation of Delegate McCauley.

REVEREND FRIESE: Almighty God, heavenly Father, Thou hast commanded Thy people to pray and Thou hast promised to hear their prayers; therefore hear us, O Lord, as we come unto Thee with hearts that are filled with joy and thankfulness for the many temporal and spiritual blessings that Thou hast so generously bestowed upon us, our families, our churches and our nation. Hear our prayers of thanks, O God, and keep us thankful lest by word and by deed we become ungrateful and thankless and Thou in Thy justice withhold Thy gracious blessings and cause Thy consuming wrath to descend upon us. Humbly and repentantly our hearts and voices request that Thou wouldst not look upon our weaknesses, our frailties and our shortcomings and because of them deny our prayers. Instead, O God, cause Thy mercy to descend upon us, and Thy forgiving grace to embrace us.

Heavenly Father, without Thy blessings and benediction we can do nothing, therefore shed Thy strength and wisdom upon those who have met here in order that all may be mindful of the seriousness of the obligations they have assumed and inspire us to give of ourselves unselfishly so that our time and our gifts and abilities may be used in Thy service for the good of our fellowmen and in behalf of our beloved state.

O Thou Giver of all wisdom, guide and keep us so that Thy will may be done and protect us so that selfishness, greed and indifference may never control our actions or our deliberations. Give us the wisdom to see that which is right, the courage to speak that which is beneficial, and the conviction to hold fast to that which is honest, just and impartial.

O Lord God heavenly Father, we are as grass that is present today and withered and gone tomorrow, but since our work and deliberations may affect coming generations, shower us with Thine omniscient help, crown us with Thine unfathomable wisdom, and guide us with Thine almighty strength so that all may be done in harmony with Thy gracious will and for the benefit of mankind.

These and whatsoever other things Thou wouldst have us ask of Thee, O God, grant them unto us for the bitter sufferings and death of Christ, Thy beloved Son, our Lord and Savior, so that we may do Thy will and some day hear Thee say, "Come, Thou good and faithful servant, enter the kingdom that I have prepared for Thee." Hear our prayers and answer them, O God. 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 record the roll.

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

Prior to today's session, the secretary received the following requests for leave:

Messrs. Garvin and Mahinske, from today's session; and Mr. Nisbet, from the session of today and the sessions of next week, because of company business that was arranged 2 years ago.

VICE PRESIDENT HUTCHINSON: Without objection, the requests are granted. I hear none. It is so ordered.

SECRETARY CHASE: Absent with leave: Messrs. Garvin, Goebel, Gust, Mahinske, Nisbet and Nord.

Absent without leave: Messrs. Krolikowski and Norris.

VICE PRESIDENT HUTCHINSON: Without objection, the unexcused absentees will be excused from today's session. Is there objection? The Chair hears none, and they are granted excuses.

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. Krolikowski, Garvin, Gust and Norris.]

Reports of standing committees.

SECRETARY CHASE: No reports filed, Mr. President.

VICE PRESIDENT HUTCHINSON: Reports of select committees.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Second reading of proposals.

SECRETARY CHASE: The items on the second reading have been postponed until Monday.

VICE PRESIDENT HUTCHINSON: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT HUTCHINSON: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

VICE PRESIDENT HUTCHINSON: **Unfinished business.**

SECRETARY CHASE: Under the order of unfinished business, the president lays before the convention the report of the committee of the whole. **Committee Proposal 88,** A proposal pertaining to metropolitan areas; was reported last evening with an amendment, which amendment has been agreed to. Pending the reference of the proposal to the committee on style and drafting, Mr. Boothby offered an amendment, which is now pending.

[The amendment was again read by the secretary. For text, see above, page 1105.]

The yeas and nays were demanded, but were not supported.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by the delegate from the seventh district,

Mr. Boothby. All those in favor will say aye. Those opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: There are no other amendments pending to the proposal, Mr. President.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 88,** as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 88 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 have power to establish in metropolitan areas such additional forms of government or authorities with such powers, duties and jurisdictions as the legislature shall deem necessary.

Wherever possible, said additional forms of government or authorities shall be designed to perform multipurpose functions rather than a single function.

Sec. b. The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships or districts, or any combination of 2 or more of such units of local government; which general law shall authorize such units of local government among other things:

(1) 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 local unit of government would have the power to perform separately;

(2) To share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each local unit of government would have the power to perform separately;

(3) To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the consent of each unit of government involved;

(4) Jointly to cooperate with one another and with state government and intergovernmental agencies;

(5) To lend their credit in a manner prescribed by law in connection with any publicly owned undertaking authorized herein.

Any other provision of this constitution notwithstanding, an officer or employee of any of said units of government or subdivision or agency thereof may serve on or with any governmental body established for the above purposes and shall not be required to relinquish his office or employment by reason of such service.

SECRETARY CHASE: Also, as part of the report of the committee of the whole, Mr. President, under unfinished business, the committee of the whole reports 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. The committee of the whole reports the proposal with 2 amendments, recommending the amendments be agreed to and that the proposal, as thus amended, do pass.

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

1. Amend page 1, line 7, after "corporation" by inserting a comma and "public or private,".

2. Amend page 1, following line 20, by inserting a new section to read as follows:

"Sec. c. Any county, through its legislative body, shall have the authority to enter, or to intervene in any suit or certificate proceeding involving the service, charge or rate made by any privately owned public utility furnishing services or commodities to rate payers within the county.".

VICE PRESIDENT HUTCHINSON: The question is upon concurring in the amendments recommended by the committee of the whole. All those in favor will say aye. Those opposed will say no.

The amendments are adopted.

**Committee Proposal 85,** as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 85 as amended and referred to the committee on style and drafting:*

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

Sec. a. 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 or conduits, or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact a local business therein without first obtaining a franchise from the city, village or township. 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 said local units of government.

Sec. b. No franchise or license shall be granted by any municipality of this state for a longer period than 30 years.

Sec. c. Any county, through its legislative body, shall have the authority to enter, or to intervene in any suit or certificate proceeding involving the service, charge or rate made by any privately owned public utility furnishing services or commodities to rate payers within the county.

SECRETARY CHASE: The committee of the whole, Mr. President, also had under consideration **Committee Proposal 89,** had considered several amendments thereto, and had come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

VICE PRESIDENT HUTCHINSON: Special orders of the day.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: **General orders of the day.** The Chair recognizes the delegate from Kent, Mr. DeVries.

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

VICE PRESIDENT HUTCHINSON: The question is upon the motion. All those in favor will say aye. Those opposed, no.

The ayes have it, and the motion prevails. Mr. DeVries will preside.

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

CHAIRMAN DeVRIES: The committee will come to order. When last the committee met, it was considering **Committee Proposal 89,** A proposal pertaining to county home rule; and had completed consideration of section a.

*For last previous action by the committee of the whole on Committee Proposal 89, see above, page 1091.*

The secretary will read section b.

SECRETARY CHASE: Section b.

[Section b was read by the secretary. For text, see above, page 1091.]

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

MR. A. G. ELLIOTT: Mr. Chairman, I think it is proper at this time to inform the Chair that there is a minority report that takes precedence over an amendment offered by Mrs. Judd, Mr. Brake and myself.

CHAIRMAN DeVRIES: The secretary will read the minority report amendment.

SECRETARY CHASE: Pursuant to the minority report of Messrs. Allen, Batchelor, Mrs. Cushman, Messrs. Farnsworth,

# 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.*

authority upon them to engage in work of internal improvements in connection therewith.

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: There were no changes, Mr. President; there were no changes made in this as it came out of committee of the whole and our committee urges the adoption. We will take a look at this between second and third reading because the prohibition against internal improvements was eliminated in other discussions in committee of the whole and this may no longer be necessary.

PRESIDENT NISBET: Are there any amendments?

SECRETARY CHASE: None.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 87. Those in favor — will the board be cleared, please. Those in favor of Committee Proposal 87 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. HOXIE: Mr. President, I don't intend to explain my vote because I think the section is completely unneeded.

*The roll was called and the delegates voted as follows:*

Yeas — 121

| | | |
|---|---|---|
| Allen | Gover | Perlich |
| Andrus, Miss | Gust | Perras |
| Anspach | Habermehl | Plank |
| Baginski | Hanna, W. F. | Powell |
| Balcer | Hannah, J. A. | Prettie |
| Barthwell | Hart, Miss | Pugsley |
| Batchelor | Haskill | Radka |
| Beaman | Hatch | Rajkovich |
| Bentley | Hatcher, Mrs. | Richards, J. B. |
| Bledsoe | Heideman | Richards, L. W. |
| Bradley | Higgs | Romney |
| Brake | Hodges | Rood |
| Brown, G. E. | Hood | Sablich |
| Brown, T. S. | Howes | Seyferth |
| Buback | Hubbs | Shackleton |
| Butler, Mrs. | Hutchinson | Shaffer |
| Conklin, Mrs. | Jones | Shanahan |
| Cushman, Mrs. | Judd, Mrs. | Sharpe |
| Dade | Karn | Sleder |
| Danhof | Kelsey | Snyder |
| Dehnke | King | Spitler |
| Dell | Kirk, S. | Stafseth |
| DeVries | Knirk, B. | Staiger |
| Donnelly, Miss | Koeze, Mrs. | Stevens |
| Doty, Dean | Krolikowski | Stopczynski |
| Doty, Donald | Kuhn | Suzore |
| Douglas | Lawrence | Thomson |
| Downs | Leibrand | Turner |
| Durst | Leppien | Tweedie |
| Elliott, A. G. | Lesinski | Upton |
| Elliott, Mrs. Daisy | Madar | Van Dusen |
| Erickson | Martin | Walker |
| Everett | McCauley | Wanger |
| Farnsworth | Millard | White |
| Faxon | Mosier | Wilkowski |
| Figy | Murphy | Wood |
| Finch | Nisbet | Woolfenden |
| Follo | Nord | Yeager |
| Gadola | Norris | Young |
| Garvin | Ostrow | Youngblood |
| Goebel | | |

Nays — 1

Hoxie

SECRETARY CHASE: On the passage of Committee Proposal 87, the yeas are 121; the nays, 1.

PRESIDENT NISBET: **Committee Proposal 87** is passed and referred to the committee on style and drafting.

*For Committee Proposal 87 as rereferred to the committee on style and drafting, see above, page 2540.*

SECRETARY CHASE: Item 8 on the calendar, **Committee Proposal 88,** A proposal pertaining to metropolitan areas. Amends article VIII.

*Following is Committee Proposal 88 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 1107.):*

Sec. a. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION the legislature [shall have power to] MAY establish in metropolitan areas [such] additional forms of government or authorities with [such] powers, duties and jurisdictions as the legislature shall [deem necessary] PROVIDE. Wherever possible, [said] SUCH additional forms of government or authorities shall be designed to perform multipurpose functions rather than a single function.

Sec. b. The legislature BY GENERAL LAW shall [provide by general law for the exercise of local government by] AUTHORIZE [2] TWO or more counties, cities, villages, townships or districts, or any combination [of 2 or more of such units of local government; which general law shall authorize such units of local government] THEREOF among other things TO: [(1) 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 [local unit of government] would have the power to perform separately; [(2) to] share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each [local unit of government] would have the power to perform separately; [(3) to] transfer [to each local unit of government or combination thereof] functions [and] OR responsibilities TO ONE ANOTHER OR ANY COMBINATION THEREOF [or both] upon the consent of each unit [of government] involved; [(4) jointly to] cooperate with one another and with state government and WITH intergovernmental agencies; [(5) to] lend their credit TO ONE ANOTHER OR ANY COMBINATION THEREOF [in a manner] AS prescribed by law in connection with any AUTHORIZED publicly owned undertaking [authorized herein].

Any other provision of this constitution notwithstanding, an officer or employee of THE STATE OR any of [said] SUCH units of government or subdivision or agency thereof may serve on or with any governmental body established for the above purposes and shall not be required to relinquish his office or employment by reason of such service.

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, the committee on local government has carefully studied the changes made by style and drafting and is satisfied with those changes and urges the adoption of this proposal.

PRESIDENT NISBET: One amendment.

SECRETARY CHASE: Mr. Boothby offers the following amendment to Committee Proposal 88:

1. Amend page 1, line 18, [section b, paragraph 1] by striking out "transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved;".

PRESIDENT NISBET: Mr. Boothby.

MR. BOOTHBY: Mr. President, this particular amendment would strike from the proposal that power which would allow a unit of government to transfer its function or responsibility to another or any combination of units of government. Now it seems that the powers which are granted in this proposal, other than that one which I seek to strike, would give sufficient and adequate powers in the areas of metropolitan concern, because the first area here which is given to the metropolitan areas to delegate or to enter into arrangements is the right "to enter into contractual undertakings or agreements with one another or with the state." And the second area is to allow for the joint cost and responsibility of these functions. The third, however, goes a lot further than the first 2 do. The first 2 deal with the contractual relationship. The third area

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

deals with the actual delegation of the responsibilities, a delegation of the responsibilities which that particular unit of government has.

Now when I went back to find out some of the constitutional responsibilities that these units of government had that, apparently, they would be able to delegate under this provision, I found in Committee Proposal 83 dealing with cities and villages that they have a right where:

> 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.

Apparently, this provision would allow a unit of government to transfer that function to another unit of government or groups of units of government. I see a little further down in Committee Proposal 83 that:

> 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.

Now it goes on and says:

> 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.

Apparently, this particular provision which I seek to strike would allow a city or village to delegate their lawmaking and ordinancemaking concerns. So it would seem that this goes way beyond what we would prefer to have delegated by governmental units.

As far as counties are concerned, I see in Committee Proposal 81 that counties have the power. "The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations prescribed by law." I see nothing which would prevent that unit of government from delegating this responsibility.

I think this provision goes much too far and I think that when we give them a right to contract and to enter into joint arrangements for the combining of costs it is enough, and when you give them the power to actually delegate their taxing powers — which I think you have done here — that that goes much too far. I urge the adoption of this amendment to strike that provision which I feel goes much too far.

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

MR. T. S. BROWN: Mr. President and fellow delegates, I think by the terminology of Mr. Boothby's amendment we would thereby prevent community A, which has only outhouses, from purchasing a water supply from adjoining community B, which has an adequate water and sewage system. I would suggest that this is really the honeydippers' protector amendment. (laughter)

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, I am afraid that Mr. Boothby, with whom I had quite a go around the first time on this, reads far too much. Now he makes the point that this would allow, perhaps — and I think he fears that it would — the policymaking functions to be transferred. Well, it doesn't. There is nothing in here that gives the wording or is intended, if it accidentally should go so far — and I am sure it doesn't even say it — to transfer the power of the city council A to delegate its policymaking decisions to township B, or vice versa. All this is aimed at is the functions of government and responsibilities, carrying out the execution of the policymaking decisions.

For example, some cities find and some communities will find that it is a lot more economical if fire fighting services can be taken over by one unit rather than having 2 separate fire fighting forces. Another group of cities finds that providing water is an economy. Others will find that police service, others will find that garbage service, others will find on this matter of taxes — and I would like to be very clear on this that there is no transfer here of the power of a city to decide what tax there will be and levy its own tax. Now it might be possible for 2 cities, as far as concerns the collection of the tax that is imposed, to have one actually collect it. Now, as a matter of fact, we do that today, commonly, in Michigan. Cities very often will go out and collect the school tax. So what we are trying to do here is to allow communities who feel that they can save some money by not having to duplicate, to be able to transfer functions back and forth.

There has been some experience in it. We have had some experience in a limited way in Michigan in this matter of collecting the tax between cities and schools; as one example, some communities have gotten together as far as fire fighting is concerned. But California has had a great deal of experience in this type of cooperative undertaking. There is one city in California of 100,000 population which buys its service from Los Angeles and the entire functions of police, of fire, of water, of tree trimming and so on are provided by Los Angeles for a fee which the other city pays, but the other city keeps its own city government, levies its own taxes — I think it even collects them in this case — but doesn't have to duplicate.

What we are trying to do here is, by allowing separate units of government to keep their identity and to cooperatively work together, avoid getting into a situation like Florida got into down in Dade county, where, because units didn't get together, the movement started for a form of a supergovernment which came in to perform these functions.

Now the more we can cooperate together, transfer functions, share costs, enter into contractual undertakings, lend credit and cooperate, the longer, I think — and it is not just myself but it is the committee and it is the subcommittee — the longer, we think, we can keep the identity and integrity of our existing units of government. Therefore, I would oppose the Boothby amendment for this reason.

PRESIDENT NISBET: The Chair recognizes Mrs. Judd.

MRS. JUDD: Mr. President and members of the convention, I think Mr. Boothby is thinking up a lot of bad ghosts. To those of us who can remember back to the 1930s, the welfare function was transferred from cities to counties and it didn't create any great fear of terrible things happening.

It is possible today for a city to transfer its health functions to a county. In my county there has been a good deal of discussion about the possibility of transferring the public library to the county and we have even had some about having the county provide the water for all of the area. These are things which are really going on and under discussion today and would become more possible when we get county home rule and we have a more competent form of county government, and this simply gives a boost to a movement that could result in more efficient and economical services for the metropolitan areas.

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

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

PRESIDENT NISBET: Mr. Boothby.

MR. BOOTHBY: I just might quickly say in reply to some of the people who have spoken in opposition to this amendment, first of all, all of those services which Mr. Allen mentioned — fire fighting, water, police service and garbage — could be covered by the first 2 provisions of this section, because this particular provision allows for these units of government 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;

and to

> 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. . . .

Now this particular provision would give all the power that is necessary to perform those services.

With regard to what Mrs. Judd said, actually those words were very familiar because the last time around she also said I was being scared of ghosts and maybe this is a good thing to be scared of when we are writing a constitution. You see, maybe all these things which she suggests, the transfer

of the health functions and the library functions to other units of government, might be very well but this does not prohibit the legislature — this amendment that I offer does not prohibit the legislature from taking care of those areas. I simply am worried when you will allow the transfer of functions of government — when you allow the transfer of functions of government, you are not restricting it to libraries or to garbage collection or to police services; you are giving a broad grant of power to delegate functions of government.

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

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

SECRETARY CHASE: Mr. William Hanna offers the following amendment:

1. Amend page 2, line 5, [section b, paragraph 2] after "thereof" by inserting a comma and "except members of the legislative bodies of the state or any unit of government,"; so the language will then read:

> Any other provision of this constitution notwithstanding, an officer or employee of the state or any of such units of government or subdivision or agency thereof, except members of the legislative bodies of the state or any unit of government, may serve on or with any governmental body established for the above purposes. . . .

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, the purpose of this amendment is to highlight the broad nature of the exception starting in line 3, concerning officers or employees of the state or of other units of government.

Now we want to perform local functions and, on page 1, we talk about joining governmental units of the state. Supposing we in Muskegon county want to establish a port and we want to get some state money and we want to get some state cooperation and we want to get some county money and some city money. Under this, I think the most effective way to do this would be to set up a board of directors that would at least include someone from the governor's office and the attorney general's office, members of the finance committee of each house of the legislature, members of the finance committee of the Muskegon county board of supervisors, the city commissioners from the city of Muskegon, and the township officials from the surrounding areas, and to guarantee each one of them a salary in direct proportion to which their local units of government contributed to the welfare of our port authority.

Now we have gone to great lengths in other places to try to circumscribe and keep the legislature, the members of the legislature, and members of the legislative bodies in as much of an independent position as is possible, but under this provision we are now throwing all of this to the winds. We are saying that if you create one of these intergovernmental cooperative units and you want state money, you may hire or appoint or otherwise provide for a member of the legislature to sit on your board of directors, pay him a salary or other compensation, and you have an inbuilt errand boy to run up to Lansing to secure money — and I assure you that the proposal will not stand on its own merits.

Now if this is what the convention wants to do, I think we should do it knowingly: that on page 2 we have wiped out all the historical restrictions that we have found through history to be necessary to maintain an independent legislature whose primary duty is representing the people who elected them and the state of Michigan. Under this provision as you read it, the legislature, the executive branch, and local government can all be emasculated, and by the means of paying compensation it will be difficult to determine what master and what group of voters these various people are supporting and representing. And, therefore, I submit my amendment so that at least members of the legislative bodies of any state or local units cannot participate in an intergovernmental unit for fear that their influence and their voices will extend far beyond intergovernmental cooperation.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, let's take the Hanna amendment and break it into 2 parts. Let's refer, first, to the last 5 words which are "or any unit of government." I think that would be other than the state. Now I think when we get into this sort of a cooperative board or group that probably the most valuable people on it would be the mayor of the city, or the supervisor or the chairman of the board of supervisors, and I don't think that we should eliminate them. If you do eliminate them, as far as the local government is concerned, you then have to appoint someone on the group that isn't directly tied in with your local government. You might appoint your city attorney, I know; but I think it would be better to have a legislative member on it. So I think, clearly, on the last 5 words we would be doing the wrong thing.

Now let's take the other part of it which is the state, a member of the legislative body of the state. I don't feel quite as strongly on this but, again, I feel that maybe this is the day that we ought to trust the legislature rather than distrust them. I think, likewise, that we have in our legislature in Lansing some highly competent and trained people whose services would be very desirable. I think there comes a point when maybe we cannot start with the assumption that everything is going to be wrong or that people don't act with complete integrity — and I don't think you are saying that, Mr. Hanna — or even that they subconsciously will yield to influence or pressure because a favor will be created with the member of the legislature. For these 2 reasons I really don't think we should go that far; I would dislike very much to say that all members of the legislature could not serve. I think they might be the most valuable for these 2 reasons: first, the legislative body, members of cities, counties, townships and so on; the other, the legislators in the senate and the house, I would say we should not exclude them. Therefore, I would oppose this proposed amendment.

PRESIDENT NISBET: Mr. Hanna.

MR. W. F. HANNA: Mr. President, I ask that the question be divided along the lines that Mr. Allen mentioned and I ask that we vote by machine.

PRESIDENT NISBET: You mean you demand the yeas and nays, Mr. Hanna, or division?

MR. W. F. HANNA: Right. Division.

PRESIDENT NISBET: Division. Mr. Buback.

MR. BUBACK: Mr. President, I rise also, again to oppose this Hanna amendment.

PRESIDENT NISBET: The question is on the Hanna amendment. It has been divided. Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I would like to just call the attention of the members of this convention to what happens when you would go so far as to permit members of the legislature, for example, to sit upon an agency which is out trying to find public money to support it.

Since this is true of state legislators, I cannot see why it would be any different in the case of a member of the board of supervisors or a city commission. A number of years ago the legislature — right after world war II — the legislature created a department in this state and it is a department still in existence. It's the department of economic development. The legislature, ignoring the constitutional provision, wrote into law that there should be ex officio members on the department of economic development commission from the legislature. There were a certain number of members of the senate and a certain number of members of the house. Now I don't impugn any wrong motives to any member of the house or senate who sat on that commission ex officio, but I do invite your attention to this situation: wisely, from the standpoint of the commission, the members who were given that ex officio position were also members of the appropriations and the ways and means committees, so that when the appropriation for the economic development commission came before the appropriations committee or the ways and means committee they had a built in supporter right there. You see, here were some members of the committees sitting who had attended meetings of the economic development commission, had been treated as members with the right to speak and, I guess, even vote there for a while — at least, they were ex

officio — and so that commission for a while had built in lobbyists, if you might use those crude words, right in the legislative committees. Well, after a while somebody read the constitution and they set that thing to rest but while it lasted that was the effect of it.

I don't impugn any wrong motives and I do not criticize any member of the legislature who sat in that dual capacity, but I do invite your attention to the effect of such things and I can imagine that we could multiply it a hundredfold in the government structure of Michigan unless you will support both parts of Bill Hanna's amendment now.

PRESIDENT NISBET: The question is on Mr. Hanna's amendment, which has been divided. The secretary will read the first part.

SECRETARY CHASE: The first part reads:

1. Amend page 2, line 5, [section b, paragraph 2] after "thereof" by inserting a comma and "except members of the legislature,".

PRESIDENT NISBET: Those in favor of the Hanna amendment will vote aye. Those opposed will vote nay. This is the first part.

MR. YEAGER: Mr. President.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: I believe the secretary misstated. Did he say "members of the legislature?"

PRESIDENT NISBET: That's right. Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment as offered by Mr. Hanna was to insert "except members of the legislative bodies of the state or any unit of government." A division has been requested and so the 2 parts will read, first, to insert "except members of the legislature" and then to insert "except members of legislative bodies of any unit of government." If both are approved, then the secretary will return to the complete language as originally offered by Mr. Hanna to put it in the journal.

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

SECRETARY CHASE: On the adoption of the first part of the amendment, the yeas are 69; the nays are 55.

PRESIDENT NISBET: The first part of the amendment is adopted. The vote now is on the second part of the amendment. Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, I strongly urge the defeat of this portion of the amendment because I think that to make it impossible for members of local legislative bodies to serve in these areas would be taking away from them some of their talented people which they need on those committees. I urge you to defeat this amendment.

PRESIDENT NISBET: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I want to only add this to what Mr. Elliott just said: the fact that some of the members of the committee voted yes on the first part of the amendment is not to be construed at all that we are in favor of the last part. We are not. We think that the local people should be able to serve on this particular authority even though they might be a member of the city council or a member of the local board of supervisors.

In voting on the first part — in voting yes on the first part, we were only being consistent with Committee Proposal 112 on legislative powers where we had already said that a legislator could not have another job. So we urge, we earnestly urge, that you vote down this last half of the amendment.

PRESIDENT NISBET: Will the delegates please clear the board. Mr. Chase will read the second part of the amendment.

SECRETARY CHASE: The second part of the amendment is:

1. Amend page 2, line 5, [section b, paragraph 2] after "of the" by striking out "legislature" and inserting "legislative bodies of the state or any unit of government".

PRESIDENT NISBET: Those in favor of the second part of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the second part of the amendment, the yeas are 13; the nays are 110.

PRESIDENT NISBET: The second part of the amendment is not adopted. The question now is on Committee Proposal 88, as amended. Judge Leibrand.

MR. LEIBRAND: Mr. President, may I direct 2 inquiries to Chairman Elliott about Committee Proposal 88, generally?

PRESIDENT NISBET: Mr. Elliott?

MR. LEIBRAND: Committee Proposal 88 authorizes units to combine for certain purposes. The combinations authorized appear, on their face, to be wholly voluntary. Was it the intent of the committee to empower legislation which could in any way force a county, city, village, township or district into such a metropolitan area against its will?

MR. A. G. ELLIOTT: Mr. President, Judge Leibrand, are you speaking now as to section a or as to section b?

MR. LEIBRAND: Well, I am speaking as to the entire proposal.

MR. A. G. ELLIOTT: Speaking as to section b, first, it was not the intent of our committee that any unit of government would be driven into some form of government that they were not voluntarily approving and adopting.

Now, as to section a, may I point out that this is a permissive section in which it establishes — and, as we pointed out in committee of the whole, this is a section which we hope will accommodate the problems of the future and we have made this permissive to the legislature to establish in metropolitan areas "additional forms of government;" ". . . additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide." And the purpose here is not to detail but to set the broad framework so that in the future the legislature can, in its wisdom, make this type of government available should it be the proper thing and the right thing for us to do at that time.

MR. LEIBRAND: Mr. Chairman and Delegate Elliott, I don't feel that my question is answered. Could there be legislation which could force a local unit into such a metropolitan area against the will of the people of that unit?

MR. A. G. ELLIOTT: Mr. President and Judge Leibrand, I will only point out to you that it says that the "legislature may establish in metropolitan areas additional forms of government." It is beyond my control, standing here on the floor, to determine how the legislature might establish that form of government in the future. It was not our intention that this would be an imposition upon those units of government and we say, if you will notice, "additional forms of government." So I think that our intent within the committee — certainly the intent of the chairman and I think, generally, of the committee — was that this should have such a broad concept that in the future, down the road 20 or 30 or 40 years from now, if there were a need for a metropolitan form of government the legislature would have the directive under which to operate. And I am sorry. I recognize that I am not answering it with a "yes" or "no" answer, because I don't feel that it is possible to so answer.

MR. LEIBRAND: Mr. President, one further question, if I may: could a county — and there is no provision for a referendum here — could a county, through its board of supervisors, enter into such a metropolitan area that would take into that area the cities, townships and districts within the county without separate votes of each unit?

MR. A. G. ELLIOTT: Mr. President, Judge Leibrand, a county could not do that.

MR. LEIBRAND: Thank you.

PRESIDENT NISBET: Mrs. Judd.

MRS. JUDD: Mr. President, just to interpret further what I believe the committee had in mind: it was not our thought that such a metropolitan authority would displace any of the present forms of government but would be an instrument through which several local governments could cooperate. I think we have one example in the Clinton-Huron recreation authority.

We are particularly anxious that there should not be a lot of separate authorities set up, each one to carry on one function of government, and almost the most important reason for including this paragraph, in my estimation, is the second sentence which says that ". . . such additional forms

. . . shall be designed to perform multipurpose functions rather than a single function."

The greatest handicap in the country so far in metropolitan problems has been the multiplication of special districts each wanting to do a single function. It is our hope that if such a situation were ever set up it would be limited in one metropolitan area to one such authority which might carry on any number of functions that the governments involved might wish to have it do as a cooperative authority.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: I think, Mr. President, that Judge Leibrand has asked a pertinent question and a good one and we should make the answer as clear as we can. As I interpret it, Judge Leibrand, the answer is definitely no to your questions. On section b, the only way these units could get together is by voluntary action of each of the units and there is nothing in any way in section b that forces them to cooperate or enter into joint contracts or transfer services or any of these other purposes. On section a, this is designed in section a to be a unit of government if any comes into effect which does not take the place or do away with the existing city or township or county. It is an additional unit of government, so it does not abolish the existing unit of government and it only can come into effect by the action of the legislature.

Now, under today's constitution the legislature has this same power. What we have really added is the prohibition against setting up a new unit of government which will, as Mrs. Judd says, just do one thing, so pretty soon we have 50 different new units of government each performing one function.

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I just want to direct a question to Mr. Elliott—

PRESIDENT NISBET: Does Mr. Elliott care to answer?

MR. G. E. BROWN: —in view of something that he said, because I think we should set the record straight. In referring to section b, he referred to it as being applicable to metropolitan areas. Now it has been my understanding and it was the understanding on first reading that section b applies to any township, to combinations of any townships, so that there can be a combining of functions such as zoning regulations and things of that nature. Isn't that correct, Mr. Elliott?

MR. A. G. ELLIOTT: Mr. President and Mr. Brown, it is correct. I did not mean to say that this was only applicable to metropolitan areas.

MR. POLLOCK: Mr. President.

PRESIDENT NISBET: Dr. Pollock.

MR. POLLOCK: Could I ask the chairman of the committee a question?

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

MR. POLLOCK: I am a little confused now by that last remark of yours. I had assumed that the benefits to be derived from this are limited to metropolitan areas. Is that right?

MR. A. G. ELLIOTT: Mr. President and Dr. Pollock, are you talking about section a or section b?

MR. POLLOCK: I am talking about the whole proposal.

MR. A. G. ELLIOTT: Mr. President, Dr. Pollock, I see nothing in this proposal which would in any way, particularly in section b, in any way prevent 2 or more counties, cities, villages, townships or districts anywhere in the state from entering into these contractual areas of agreement if they so decided.

MR. POLLOCK: But in section a it does say, does it not, that "the legislature may establish in metropolitan areas?"

MR. A. G. ELLIOTT: Mr. President, Dr. Pollock, in that particular section it does say that and I think it would be within the definition of the legislature at the time it makes that establishment to determine what the words "metropolitan areas" at that time mean. I am not so sure—I don't believe that, unless they defined it, this could apply to the section of our state where our population was very light.

MR. POLLOCK: But we are clear, then, that the benefits of establishing these intergovernmental relations are not limited merely to metropolitan areas?

MR. A. G. ELLIOTT: That is the statement that I made.

PRESIDENT NISBET: The question is on Committee Proposal 88, as amended. Those in favor of the proposal will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote. Will you please hurry and vote. The secretary will lock the machine.

*The roll was called and the delegates voted as follows:*

Yeas — 118

| | | |
|---|---|---|
| Allen | Gover | Ostrow |
| Andrus, Miss | Gust | Perlich |
| Anspach | Habermehl | Perras |
| Baginski | Hanna, W. F. | Plank |
| Balcer | Hannah, J. A. | Pollock |
| Barthwell | Hart, Miss | Powell |
| Batchelor | Haskill | Prettie |
| Beaman | Hatch | Pugsley |
| Bentley | Hatcher, Mrs. | Radka |
| Binkowski | Heideman | Rajkovich |
| Blandford | Higgs | Richards, J. B. |
| Bledsoe | Hodges | Richards, L. W. |
| Bradley | Hood | Romney |
| Brake | Howes | Rush |
| Brown, G. E. | Hoxie | Seyferth |
| Buback | Jones | Shackleton |
| Butler, Mrs. | Judd, Mrs. | Shaffer |
| Conklin, Mrs. | Karn | Sharpe |
| Cushman, Mrs. | Kelsey | Sleder |
| Dade | King | Snyder |
| Danhof | Kirk, S. | Spitler |
| Dehnke | Knirk, B. | Stafseth |
| Dell | Koeze, Mrs. | Staiger |
| DeVries | Krolikowski | Stamm |
| Doty, Dean | Kuhn | Stevens |
| Doty, Donald | Lawrence | Stopczynski |
| Douglas | Leppien | Suzore |
| Downs | Lesinski | Thomson |
| Durst | Madar | Turner |
| Elliott, A. G. | Martin | Tweedie |
| Elliott, Mrs. Daisy | McAllister | Upton |
| Erickson | McCauley | Van Dusen |
| Everett | McGowan, Miss | Wanger |
| Farnsworth | Millard | White |
| Faxon | Mosier | Wilkowski |
| Figy | Murphy | Wood |
| Follo | Nisbet | Woolfenden |
| Gadola | Nord | Young |
| Garvin | Norris | Youngblood |
| Goebel | | |

Nays — 9

| | | |
|---|---|---|
| Boothby | Hutchinson | Shanahan |
| Finch | Leibrand | Walker |
| Hubbs | Rood | Yeager |

SECRETARY CHASE: On the passage of Committee Proposal 88, the yeas are 118; the nays are 9.

PRESIDENT NISBET: **Committee Proposal 88,** as amended, is passed and is referred to the committee on style and drafting.

*Following is Committee Proposal 88 as amended and rereferred to the committee on style and drafting:*

Sec. a. 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 multipurpose functions rather than a single function.

Sec. b. 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 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 units 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 and shall not be required to relinquish his office or employment by reason of such service.

SECRETARY CHASE: Item 9 on the calendar, **Committee Proposal 89,** A proposal pertaining to county home rule. Amends article VIII.

*Following is Committee Proposal 89 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 1133.):*

Sec. a. 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. [which] THE law may permit the organization of county government in [forms] FORM different from THAT [the form] set forth in this constitution AND SHALL LIMIT THE RATE OF AD VALOREM PROPERTY TAXATION FOR COUNTY PURPOSES, AND RESTRICT THEIR POWERS OF BORROWING MONEY AND CONTRACTING 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 [pass] ENACT all laws and ordinances relating to its [municipal] concerns.

[No county charter shall be adopted, amended, repealed or revised until approved by a majority vote of county electors voting on the question.]

[The question of electing a charter commission may be placed on the ballot by a majority vote of the total membership of the board of supervisors and shall be placed thereon on receipt of a petition signed by 5 per cent of the registered voters of the county. The charter commission shall be elected by the county electors in accordance with the election laws.] THE BOARD OF SUPERVISORS BY A MAJORITY VOTE OF ITS MEMBERS MAY, AND UPON PETITION OF 5 PER CENT 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.

[The legislature shall by general law, for counties adopting home rule, limit the rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts. Each such county is hereby granted power to levy other taxes for public purposes subject to limitations and prohibitions set forth in this constitution or law.]

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, the committee on local government has carefully analyzed the changes that were made by style and drafting, was completely satisfied with them, and urges the adoption of Committee Proposal 89 as offered to you on second reading.

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

PRESIDENT NISBET: The secretary will read the first amendment.

SECRETARY CHASE: Messrs. Follo, Pollock, Mrs. Cushman and Mr. McCauley offer the following amendment:

1. Amend page 1, line 1, after "Sec. a.", by striking out the balance of the section and inserting "The electors of any county shall have the power, in accordance with the procedure set out herein, to frame, adopt or amend a charter for a charter form of county government. The board of supervisors may, by majority vote, submit to the electors the question of the establishment of a county charter commission, and such question shall also be submitted to the voters upon petition of a number of electors in number at least equal to 5 per cent of the vote cast in the county for governor at the last general election. If the electors of the county shall decide this question in the affirmative, the board of supervisors shall thereupon make provision for the election, at the next ensuing county election, of a county charter commission. Such commission shall be empowered to draft a charter which shall designate the officers of the county, assign the exercise of all powers vested in the county, and otherwise provide for the form of government of the county. The charter also may authorize the county to enact all laws and ordinances relating to its concerns, as defined by general law. Such charter shall take effect when approved by a majority vote of the county electors voting upon the question.".

MR. A. G. ELLIOTT: Point of information, please, Mr. President.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: We would like to know whether or not the amendment offered here is not so similar in nature to the one offered by Mr. McCauley when this subject was under discussion several weeks ago that it should not be ruled out of order at this time. That's page 641.

PRESIDENT NISBET: There is enough difference, Mr. Elliott, to consider the amendment. Mr. Follo.

MR. FOLLO: Mr. President and delegates, as you know, the matter of county home rule was one of the most explosive and divisive issues in the committee on local government. It certainly attracted the attention of newspapers all over the state. This convention earned a good deal of unfavorable publicity because of the action we took on county home rule. For that reason, I, Dr. Pollock, Mrs. Cushman, Mr. McCauley and others, felt that it should be brought up again at this time. We had the whole matter revamped by our research department and had the help of others on this. I am not going to bore you with a long history of the county home rule movement — which you have heard before — I would just like to point out to you that, certainly, if there is any area of government in the state of Michigan which certainly needs some attention it is county home rule. I would like to point out to you that the way this amendment that we are submitting differs from the proposal of the committee is that it is self executing. Those who propose this amendment maintain that the proposal which is being given to you by the committee will be a long time in achievement, if it will ever be achieved. Certainly, I know from having talked to some legislators that this thing is going to lie there and nothing will be done about it. The legislators have told me that they will never go against the wishes of the people in their own counties. The county officials all over the state are deathly afraid of any changes. They will lobby vigorously to oppose any kind of a change.

What we are asking here is the opportunity for at least 1 or 2 counties in the state to experiment with this, to try it. Now I don't know why anybody should be afraid of this. If it is wrong, if it is a mistake, if it doesn't work, then it can be changed; but I maintain — and there will be others who will speak in the same vein — that unless we pass this amendment you will have no county home rule in the state of Michigan or you will have a very simplified version of it which will be a long way short of what is possible in other states of this union.

Now I have great respect for the men who are behind this proposal. As you recall, it came about as a compromise between the 2 factions within the majority party. Unfortunately, my own party did not take action until too late and so this hap-

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

## PREAMBLE

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

## ARTICLE I
## DECLARATION OF RIGHTS


| Sec. | | Com. Proposal |
|---|---|---|
| 1. | Political Power | 15– 1 |
| 2. | Equal Protection under the Law | 26a |
| 3. | Right of Assembly and Petition | 15– 2 |
| 4. | Freedom of Worship | 15– 3 |
| 5. | Liberty of Speech and Press | 15– 4 |
| 6. | Right to bear arms | 15– 5 |
| 7. | Civil Power Supreme | 15– 6 |
| 8. | Quartering of Soldiers | 15– 7 |
| 9. | Slavery Prohibited | 15– 8 |
| 10. | Attainder; ex post facto laws; impairment of contracts | 15– 9 |
| 11. | Searches and Seizures | 15–10 |
| 12. | Habeas Corpus | 15–11 |
| 13. | Appearance in Person or by Counsel | 15–12 |
| 14. | Jury trial | 15–13 |
| 15. | Former Jeopardy; Bailable Offenses | 15–14 |
| 16. | Bail; Fines; Punishments, detention of witnesses | 15–15 |
| 17. | Self-incrimination; due process of law | 15–16 |
| 18. | Competency of witnesses | 15–17 |
| 19. | Libels; truth as defense | 15–18 |
| 20. | Rights of accused | 15–19 |
| 21. | Imprisonment for debt or military fine | 15–20 |
| 22. | Treason; definition, evidence | 15–21 |
| 23. | Enumeration of Rights not to deny others | 15– 1 |


### Article I
### Declaration of Rights

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II
## ELECTIONS

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

### Article II
### Elections

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

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

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

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] 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 [persons who are] candidates for the same office WHO [and] 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 [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] 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 the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

Sec. 7. A board of state canvassers [consisting] of [4] 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 [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 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 [8] EIGHT percent for initiative 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 INVOKED 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 legislature without change or amendment within 40 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 [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 rejection at the next [ensuing] 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 [ensuing] general election.

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

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

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

The legislature shall implement the provisions of this section.

## ARTICLE III
## GENERAL GOVERNMENT


| Sec. | | Com. Proposal |
|---|---|---|
| 1. | Seat | 10a |
| 2. | Division of Powers | 21a |
| 3. | Great Seal | 18a |
| 4. | Militia | 19a |
| 5. | Inter-Governmental Agreements | 128a |
| 6. | Internal Improvement | 101a |
| 7. | Laws remain in effect | 44a |
| 8. | Advisory Opinions | 96k |


### Article III
### General Government

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

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

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

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

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

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

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

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

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

## ARTICLE IV
## LEGISLATIVE BRANCH


| Sec. | | Com. Proposal |
|---|---|---|
| 1. | Legislative Power, where vested | 118a |
| 2. | Senate, Number, Term, Districts | 80a |
| 3. | Representatives, Number, Term, Districts | 80b |
| 4. | Legislative Districts, merger | 80c |
| 5. | Island Areas | |
| 6. | Legislative Apportionment Commission | 79a |
| 7. | Legislators, qualifications, removal | 32a |
| 8. | Ineligibility of certain persons for office | 112a |
| 9. | Legislators, ineligibility for certain appointments | 120a |
| 10. | Conflict of interest | 115a |
| 11. | Legislators, privileges | 33a |
| 12. | Legislators, compensation | 28a |
| 13. | Legislature, time of convening | 116a |
| 14. | Senate and House, quorums | 34a |
| 15. | Legislative Council | 102c |
| 16. | Legislature, powers, rules | 102a |
| 17. | Legislature, committees | 102b |
| 18. | Legislature, journals, protest | 114a |

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn ..... 103a
22. Bills ..... 35a
23. Style of laws ..... 29a
24. Laws, object and title
First sentence ..... 121a
Last sentence ..... 105a
25. Laws, revision ..... 121a
26. Bills, requirements for passage
First sentence ..... 105a
Remainder ..... 104a
27. Acts, immediate effect ..... 121a
28. Bills, subjects at special session ..... 105a
29. Local or special acts, referendum .... 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority ..... 46b
32. Tax laws, title ..... 53a
33. Bills passed, approval and veto by governor ..... 70a
34. Referendum on certain bills ..... 113a
35. Publication of laws ..... 24a
36. Revision of laws, compilation ..... 108a
37. Administrative rules, suspension .... 123a
38. Filling vacancies ..... 122a
39. Continuity of government ..... 122a
40. Liquor Control Commission ..... 27a
41. Lotteries ..... 100a
42. Ports and port districts ..... 87a
43. Banking and trust company laws .... 5a
44. Jury in civil cases ..... 99a
45. Indeterminate sentences ..... 106a
46. Prohibition against death penalty .... 20a
47. Chaplains ..... 111a
48. Resolution of public disputes ..... 109a
49. Regulation of employment ..... 110a
50. Atomic energy ..... 127a
51. Public Health ..... 126a
52. Natural resources ..... 125a
53. Auditor General ..... 78a

## Article IV
## Legislative Branch

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

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

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

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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 [2/3] of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered IN [upon] the journal, with the [yeas and nays] 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. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] 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 security otherwise requires. The [yeas and nays] 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 [1/5] 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 [recommended to the senate for confirmation] SUBMITTED TO THE SENATE FOR ADVICE AND CONSENT shall be [taken by yeas and nays and] 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 [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation [by the legislature] 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 [5] FIVE days. Every bill shall be read THREE [3] times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of [all] the members elected to and serving in each house. On the final passage of [all] bills, the voteS AND NAMES OF THE MEMBERS VOTING THEREON shall be [by yeas and nays and] entered in the journal.

Sec. 27. No act shall take effect [or be in force] 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 [2/3] 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 [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] 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 [2/3] 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 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

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

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

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

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

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

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

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

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

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

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvement] 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] 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. [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 APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

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

## ARTICLE VII
## LOCAL GOVERNMENT

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## Article VII
## Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. 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


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### Article VIII
### Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

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

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

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

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 [this] election shall be taken, 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.

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*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 | Leibrand | 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 | Krolikowski | Youngblood |
| Downs | Madar | |

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**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.

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*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.

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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 3065.]

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:

| section | column | 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:

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**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-

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

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. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. 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 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.

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.

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, 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 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 nonprofit 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 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 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. The amount of 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 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 disbursments 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 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-

dence. 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 & 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. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. 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. 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 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. 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):*

| article | section | 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".<br>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 previously been section 15 of article XI.) |
| 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.<br>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.<br>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 |

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. | Rajkovich |
| Blandford | Heideman | Richards, J. B. |
| Bledsoe | Higgs | Richards, L. W. |
| Bonisteel | Hood | Romney |
| Boothby | Howes | Rood |
| Bowens | Hoxie | Rush |
| Bradley | Hubbs | Sablich |
| Brake | Hutchinson | Seyferth |
| Brown, G. E. | Iverson | Shackleton |
| Brown, T. S. | Jones | Shaffer |
| Buback | Judd, Mrs. | Shanahan |
| Butler, Mrs. | Karn | Sharpe |
| Conklin, Mrs. | Kelsey | Sleder |
| Cudlip | Kirk, S. | Snyder |
| Cushman, Mrs. | Knirk, B. | Spitler |
| Danhof | Koeze, Mrs. | Stafseth |
| Dehnke | Krolikowski | Staiger |
| Dell | Kuhn | Stamm |
| DeVries | Lawrence | Sterrett |
| Donnelly, Miss | Leibrand | Stevens |
| Doty, Dean | Leppien | Stopczynski |
| Doty, Donald | Lesinski | Suzore |
| Douglas | Liberato | Thomson |
| Downs | Madar | Tubbs |
| Durst | Mahinske | Turner |
| Elliott, A. G. | Martin | Tweedie |
| Elliott, Mrs. Daisy | McAllister | Upton |
| Erickson | McCauley | Van Dusen |
| Everett | McGowan, Miss | Walker |
| Farnsworth | McLogan | Wanger |
| Faxon | Millard | White |
| Figy | Mosier | Wilkowski |
| Finch | Murphy | Wood |
| Follo | Nisbet | Woolfenden |
| Ford | Nord | Yeager |
| Gadola | Norris | Young |
| Garvin | Ostrow | Youngblood |

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 | Perras | Woolfenden |
| Gadola | Plank | Yeager |
| Goebel | Pollock | |

Nays—43

| | | |
|---|---|---|
| Austin | Greene | Nord |
| Baginski | Hart, Miss | Norris |
| Barthwell | Hatcher, Mrs. | Ostrow |
| Binkowski | Hood | Pellow |
| Bledsoe | Jones | Perlich |
| **Bowens** | Kelsey | Sablich |
| Bradley | Krolikowski | Shanahan |
| Brown, T. S. | Leibrand | Snyder |
| Buback | Lesinski | Stopczynski |
| Douglas | Liberato | Suzore |
| Downs | Madar | Walker |
| Elliott, Mrs. Daisy | Mahinske | Wilkowski |
| Faxon | McAllister | Young |
| Ford | Murphy | Youngblood |
| Garvin | | |

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. VAN DUSEN: 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

Stephen S. Nisbet, *President*

Fred I. Chase

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

*ernment 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.*

This is a revision of Sec. 31, Article VIII, of the present constitution which is cumbersome and rarely used. The new language is broad and flexible in allowing the legislature to set up whatever forms of metropolitan government will best meet the needs.

Recognizing the problems created by numerous governmental authorities in the same area, each serving only one purpose, the last sentence urges multi-purpose forms wherever possible.

## GENERAL PROVISIONS

**Intrastate cooperation.**

*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.*

This is a new section designed to encourage the solution of metropolitan problems through existing units of government rather than by creating a fourth layer of local government. Local governments are allowed to join in a variety of ways to work out together the solutions to their joint problems.

This is to be done by agreement of the units of government involved and no unit will be compelled to enter into any agreement. Possible abuses are prevented by providing overall control by general acts of the legislature.

Because this work is to be carried on by local governments, officials (except members of the legislature) are allowed to serve on the boards. The last sentence provides that such service is not in conflict with other provisions of this constitution.







**Highways, streets, etc.; use by utilities; control.**

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.*

This is a revision of Sec. 28, Article VIII, of the present constitution to include counties among the local governments with control of public utilities occupying the rights-of-way of highways, streets, alleys and other public places.

Adding the words "public or private" recognizes that both types are subject to the restrictions of this section.

**Franchises; limitations.**

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

No change from Sec. 29, Article VIII, of the present constitution except to spell out "township, city or village" in place of "municipality of this state".

**Highways, streets, etc.; vacation; alteration.**

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. ***

This is a revision of Sec. 27, Article VIII, of the present constitution. Reference to "commissioners of highways" is eliminated as obsolete. The words "county" and "township" are included to provide complete local control over public ways and places.

**Public hearings on budgets.**

*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.*

This is a new section. A review of budgets of local units of government may no longer be required in some circumstances under the provisions of a revised section of Article IX. This proposed section requires that units empowered to draw budgets may not adopt them until after a public hearing held in a manner prescribed by the legislature.

**Removal of elected officers.**

Sec. 33. Any elected officer *of a political subdivision* may be removed from office in *the* manner and for *the causes* ** provided by law.