

Michigan Constitutional Convention of 1961

Committee Proposal 81f

Const 1963, Art 7, § 7

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3450, 3468
First Reading	pp. 738, 929-931, 942-952, 980, 982-986, 1890
Second Reading	pp. 2505-2513
Draft Constitution (Art 7, § 7)	pp. 3047-3075 (p. 3063)
Third Reading, Article-by-Article	pp. 3145-3146
Draft Constitution (Art 7, § 7)	pp. 3215-3237 (p. 3228)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 7, § 7)	pp. 3319-3353 (p. 3339)
Address to the People	p. 3391

Overview of the Constitutional Convention Process

Provisions generally began as Committee Proposals and were then brought to the convention floor for first reading. The majority of debate on the substance of provisions occurred during the first and second readings. There were two third readings; the first on an article-by-article basis and the second reviewing the Constitution as a whole. Following the third readings the entire Constitution was voted on by the delegates. The delegates then created the Notice of Address to the People, summarizing the Constitution on a provision-by-provision basis, which was distributed so that the people could be informed when making their ratification votes.

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a ¹
I	8	II	7	15-7	IV	31	none		41	VI	18	VII	12	96g
I	9	II	8	15-8	IV	32	X	6	46b	VI	19	VII	17	96a
I	10	II	9	15-9	IV	33	V	36	53	VI	20	VII	19	96b
I	11	II	10	15-10	IV	34	V	38	70	VI	21	VII	9	96c
I	12	II	11	15-11	IV	35	V	39	113	VI	22	none		96l
I	13	II	12	15-12	IV	36	V	40	24	VI	23	VII	20	96d
I	14	II	13	15-13	IV	37	none		108	VI	24	VII	23	96e
I	15	II	14	15-14	IV	38	XVI	5	123	VI	25	IX	6	96h
I	16	II	15	15-15	IV	39	XVI	5	122	VI	26	VII	15,16,21	96i
I	17	II	16	15-16	IV	40	XVI	11	122	VI	27	VII	6,11	96n
I	18	II	17	15-17	IV	41	V	33	27	VI	28	none		95
I	19	II	18	15-18	IV	42	VIII	30	100	VI	29	VII	18	96o
I	20	II	19	15-19	IV	43	XII	9	87					
I	21	II	20	15-20	IV	44	V	27	5	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	99	VII	2	none		89
I	23	none		15-1	IV	46	none		106	VII	3	VIII	2	81b
II	1	III	1,2,3	58a	IV	47	V	26	111	VII	4	VIII	3	81c
II	2	none		58b	IV	48	XVI	7	109	VII	5	VIII	4	81d
II	3	none		58c	IV	49	V	29	110	VII	6	VIII	5	81e
II	4	III	1,8	58d	IV	50	none		127	VII	7	VIII	7	81f
II	5	V	12	58e	IV	51	none		126	VII	8	VIII	8	81g
		VI	1		IV	52	none		125	VII	9	VIII	9	81h
		VII	2,9,14		IV	53	VI	1	78	VII	10	VIII	13	81j
		VIII	3,18							VII	11	VIII	12	81i
		XI	2,3,6,7,16							VII	12	VIII	14	81k
II	6	III	4	58f	V	1	VI	2	2	VII	13	none		81n
II	7	III	9	58h	V	2	none		71b	VII	14	VIII	15	81l
II	8	III	8	58g	V	3	none		71b	VII	15	none		85c
II	9(12*)	V	1	118b	V	4	none		71b	VII	16	VIII	26	86a
					V	5	none		71b	VII	17	VIII	16	82a
					V	6	none		71g	VII	18	VIII	17,18	82b,c
III	1	I	2	10	V	7	VI	10	71e	VII	19	VIII	19	82e
III	2	IV	1,2	21	V	8	VI	3	71d	VII	20	none		82d
III	3	VI	11,12	18	V	9	VI	1	71c	VII	21	VIII	20	83a
III	4	XV	1,2,3	19	V	10	IX	7	71g	VII	22	VIII	21	83b
III	5	none		128	V	11	IX	5	71f	VII	23	VIII	22	83c
III	6	X	14	101	V	12	VI	4	3	VII	24	VIII	23	83e
III	7	S	1	44a	V	13	VI	6	7	VII	25	VIII	25	83f
III	8	none		96k	V	14	VI	9	16	VII	26	VIII	25	83d
IV	1	V	1	118a	V	15	VI	7	8	VII	27	VIII	31	88a
IV	2	V	2	80a	V	16	VI	8	9	VII	28	VIII	31	88b
IV	3	V	3	80b	V	17	VI	5	4	VII	29	VIII	28	85a
IV	4	none		80c	V	18	none		46a	VII	30	VIII	29	85b
IV	5*	none			V	19	V	37	46c	VII	31	VIII	27	86b
IV	6	V	4	79	V	20	none		46d	VII	32	none		57
IV	7	V	5	32	V	21(13*)	VI	1	71a	VII	33	IX	8	42e
IV	8	V	6	112	V	22	VI	13	17	VII	34	none		84
IV	9	V	7	120	V	23	VI	21	75					
IV	10	V	7	115	V	24	none		77	VIII	1	XI	1	1
IV	11	V	25	33	V	25	VI	19	71b	VIII	2	XI	9	30
IV	12	V	9,10	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	13	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	14	34	V	28	none		71h	VIII	5	XI	3,4,5,7,8,16	98b
IV	15	none		102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

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

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Article VI: Cont'd.

Section 28. Administrative action, review. Property tax valuation or allocation; review. (Committee Proposal 95)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3125-3140
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; amended; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3337
For text, and comments in address to the people	3389
Section 29. Conservators of the peace. (Committee Proposal 96o)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; passed	3125-3140
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3338
For text, and comments in address to the people	3389

ARTICLE VII. Local government. (Committee Proposals 42e, 57, 81a, b, c, d, e, f, g, h, i, j, k, l, n, 82a, b, c, d, e, 83a, b, c, d, e, f, 84, 85a, b, c, 86a, b, 88a, b and 89)

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	3338-3341
For text, and comments in address to the people	3390-3395
Section 1. Counties; corporate character, powers and immunities. (Committee Proposal 81a)	
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	3338
For text, and comments in address to the people	3390
Section 2. County charters. Election of charter commissions. Approval of electors. (Committee Proposal 89)	
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	3338
For text, and comments in address to the people	3390
Section 3. Reduction of size of county. (Committee Proposal 81b)	
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	3338
For text, and comments in address to the people	3390
Section 4. County officers; terms, combination. (Committee Proposal 81c)	
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	3338
For text, and comments in address to the people	3390
Section 5. Offices at county seat. (Committee Proposal 81d)	
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

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Article VII, Section 5: Cont'd.

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	3338
For text, and comments in address to the people	3390
Section 6. Sheriffs; security, responsibility for acts, ineligibility for other office. (Committee Proposal 81e)	
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	3338
For text, and comments in address to the people	3390
Section 7. Boards of supervisors; members. (Committee Proposal 81f)	
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 8. Legislative, administrative, and other powers and duties of boards. (Committee Proposal 81g)	
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 9. Compensation of county officers. (Committee Proposal 81h)	
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 10. Removal of county seat. (Committee Proposal 81j)	
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 11. Indebtedness, limitation. (Committee Proposal 81i)	
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 12. Navigable streams, permission to bridge or dam. (Committee Proposal 81k)	
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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

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

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

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

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

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

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Following is Committee Proposal 57 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. ANY MUNICIPAL CORPORATION, COUNTY, TOWNSHIP OR SCHOOL DISTRICT EMPOWERED BY THE LEGISLATURE OR BY THIS CONSTITUTION TO PREPARE BUDGETS OF ESTIMATED EXPENDITURES AND REVENUES, SHALL ADOPT SAID BUDGETS ONLY AFTER A PUBLIC HEARING UNDER SUCH TERMS AND CONDITIONS AS THE LEGISLATURE SHALL ESTABLISH BY GENERAL LAW.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Committee Proposal 57:

This proposal, new in language and substance, is self explanatory. A review of the budgets of the counties, townships and schools will no longer be required before the allocation board, if the committee's recommendation concerning the 15 mill limitation is adopted, which emphasizes the need for this requirement of a public hearing before adoption.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from Stanton, Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I yield to Herb Turner.

CHAIRMAN BENTLEY: The gentleman from Saginaw is recognized.

MR. TURNER: Mr. Chairman, I am slightly confused here. I understood that this language was to take care of the necessities for the original Committee Proposal 56, and now I would like to yield to Mr. Brake. (laughter)

CHAIRMAN BENTLEY: The gentleman from Stanton, the chairman of the committee, retains the floor.

MR. BRAKE: So far as I can see, Mr. Turner, the fact that the committee has been completely overturned in connection with the 15 mill does not do away with the necessity of a provision requiring public bodies that fix budgets to notify the public when that decision is going to be made or notify them before it is going to be made, so that the public has a chance to be heard.

The cities quite generally take care of that item under their charters. The public does have notice, and interested parties can appear. Some of the other units do, but most of them do not. And perhaps the worst offenders of all are the school districts. I think it will be a very healthful thing if all public bodies that have budgets to adopt are required to give notice of a time of hearing before that budget is adopted, and that any interested citizen shall have the right to appear and be heard.

CHAIRMAN BENTLEY: Are there any amendments to the body of the proposal? If not, it will pass.

Committee Proposal 57 is passed. The secretary will read.

SECRETARY CHASE: From the committee on finance and taxation, by Mr. Brake, chairman, **Exclusion Report 2028**, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X.

Following is Exclusion Report 2028 as read by the secretary, and the reasons submitted in support thereof:

The committee on finance and taxation recommends that sections 3, 4, 5, 7 and 8 of article X of the present constitution be excluded from the new constitution.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Exclusion Report 2028:

The committee on finance and taxation feels that the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution is all covered by Committee Proposal 51, offered by the committee.

The committee feels that the subject matter of section

5 of the 1908 constitution is covered by Committee Proposal 52, dealing with the matter of taxation of certain utilities.

CHAIRMAN BENTLEY: The chairman of the committee is recognized.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, those sections are the ones that were combined in the section on uniform taxation, which we passed. All of the material that is needed from the 4 sections was included in that section which has been approved by the committee.

CHAIRMAN BENTLEY: Are there any amendments to the exclusion report? If not, it will pass.

Exclusion Report 2028 is passed.

In accordance with the decision of the committee of the whole last Friday, the secretary will report item 5 on the general orders calendar.

SECRETARY CHASE: Item 5, from the committee on local government, by Mr. Arthur Elliott, chairman, **Committee Proposal 81**, A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.

Following is Committee Proposal 81 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. [All suits and proceedings by or against a county shall be in the name thereof.]

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. [When any city has attained a population of 100,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and of the remainder of the county in which such city may be situated voting on the question shall each determine in favor of organizing said city into a separate county.]

Sec. c. There shall be elected [biennially] FOR 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

Sec. e. [The sheriff shall hold no other office. He shall be elected at the general election for the term of 2 years. He] THE SHERIFF may be required by law to renew his security from time to time 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 ACCIDENTAL INJURIES RECEIVED WHILE IN HIS CUSTODY. HE SHALL NOT HOLD ANY OTHER OFFICE EXCEPT IN CONNECTION WITH CIVIL DEFENSE.

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

Sec. g. The legislature may by general law confer upon the boards of supervisors of the several counties [such] powers of a local, legislative and administrative

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

character[,] not inconsistent with the provisions of this constitution, [, as it may deem proper.]

Sec. h. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. [The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.]

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond [3] 10 per cent of its assessed valuation. [, except counties having an assessed valuation of \$5 million or less, which counties may increase their total debt to 5 per cent of their assessed valuation.]

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

Sec. k. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein. [No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.]

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

Sec. m. THE BOARD OF SUPERVISORS OF ANY COUNTY WITH A POPULATION OF 1 MILLION OR MORE SHALL HAVE THE POWER BY ORDINANCE TO ESTABLISH A MERIT SYSTEM FOR COUNTY EMPLOYMENT. THE ORDINANCE OR ANY AMENDMENTS THERETO SHALL BE APPROVED BY THE ELECTORS OF THE COUNTY.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 81:

These proposed 12 sections of the article on local government provide for the government of counties. They apply to all counties except as provided in another report of this committee covering county home rule. We have taken the first 15 sections of article VIII in the present constitution as our point of departure. Our procedure has been: (1) To exclude those provisions which (a) have no application, or (b) are unnecessary in the light of legislative power; (2) To retain with the least possible change those provisions which are fundamental to our present form of county government.

Section a comments: The committee recommends the retention of this section with the deletion of the last sentence of section 1 in the interest of brevity and simplicity, and because the language is superfluous, adding nothing to meaning or legal effect.

Section b comments: The first sentence of section 2 of the present constitution is retained in the belief such assurance is desired by the citizens of many counties. Embodied in it is a remedy for situations where the retention by a county of 16 townships becomes unfeasible, the decision resting in the hands of the voters of the county. We assume this provision does not prevent consolidation of 2 or more counties if desired by the people. The second sentence is deleted. This provision, originally placed in the constitution in 1850 with the population minimum increased from time to time, has never been used.

Section c comments: This section remains the same

as section 3 in the present constitution with the one change of extending the term of the elected county officers from 2 years to 4 years. The committee on declaration of rights, suffrage and elections, having concurrent jurisdiction, offers no objections.

Section d comments: This section remains the same as section 4 of the present constitution.

Section e comments: The first sentence of section 5 of the present constitution prohibits the sheriff from holding any other office. This has been modified to permit him to hold an office in connection with civil defense. The second sentence of section 5 was deleted as repetitious (see Sec. c.). To the last sentence of section 5 was added an exception permitting the board of supervisors to protect the sheriff against claims by prisoners. Such protection by the board of supervisors appears to be necessary as a means of reassuring the sheriff in his risks against accidental injuries to prisoners in his custody.

Section f comments: This provision is the same as the present section 7 in the present constitution.

Section g comments: This section is the same as section 8 of the present constitution except for elimination of unnecessary language.

Section h comments: The power of the board of supervisors over salaries is retained. The sentence with respect to claims against the county has been deleted because it is covered by statute.

Section i comments: The limitation in section 12 of the present constitution on the power of the county to incur debt is increased from 3 per cent to 10 per cent of its assessed valuation. The exception relating to counties of an assessed valuation of \$5 million or less was deleted because there are no longer any such counties. The committee has increased the debt limit to give counties greater flexibility to meet current problems. Our counties are now extending their credit for both primary and secondary purposes. Secondary obligations are incurred by placing the full faith and credit of the county behind bonds of cities and townships to enable them to borrow at the lowest possible interest rate for the construction of water and sewage systems and other public works. The county also backs revenue bonds for airports. This secondary debt may easily exceed the 3 per cent limitation set in the present constitution. Such secondary debt is payable out of the revenues of the water works, sewage fees, airport activities, etc. The committee on finance and taxation, having concurrent jurisdiction, has no objection.

Section j comments: This section is retained as in section 13 of the present constitution.

Section k comments: The committee felt that the first sentence of section 14 of the present constitution should be retained. The last sentence has been deleted. The committee believes the phrase, "No such law shall preclude the state from improving the navigation of any such stream" added no power to the legislature it does not already possess and that it was highly unlikely the legislature would ever divest itself of such power. The committee believes the last phrase of the paragraph unduly restrictive in that it may prevent the use of streams for a public purpose of greater importance than navigation. The committee believes the rights of navigation can be adequately protected by statute.

Section l comments: Section 15 of the present constitution was retained in its present form.

Section m comments: This section transfers control of the merit system in civil service in counties of 1 million or more population from the legislature to the county's governing board upon approval of the electors of the county.

Following is minority report A to Committee Proposal 81 as offered, and the reasons submitted in support thereof:

Delegates Sharpe, Hatcher and Madar, a minority of the committee on local government, submit the following minority report A to Committee Proposal 81:

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

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

When [any] A city IN ANY COUNTY has attained a population of [100,000] 500,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of [such city and the remainder of the county] THE COUNTY voting on the question shall [each] determine in favor of organizing said city into a separate county.

Delegates Sharpe, Hatcher and Madar, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 81:

The minority report will allow the city of Detroit, at the present time, and other growing cities in the future, the opportunity to use taxes paid by the city to benefit its residents.

At the present time between large cities and the county in which they are located there is much overlapping of functions and much waste.

In the Detroit-Wayne county area the following examples may be pointed to: 1) the county sheriff; 2) the county road commission; 3) the county general hospital. In each of these cases the city of Detroit provides adequate services for its own residents. However, the city which pays the bulk of county taxes must support these activities in areas of the county outside of the city limits. No benefit accrues to the city from these expenditures. What is being done is to use Detroit tax money to subsidize programs which are of benefit to the outcounty population.

The committee proposal takes away the right of a city to organize into a separate county when it has attained a certain size. The minority proposes to put this right back into the constitution. Moreover, the right of veto which the outcounty area retained in the present constitution, if it voted against the question of creation of a new county, is removed. The supporters of the minority report are of the opinion that a large city should not have to support projects from which no benefit accrues to it.

At the present time the city in effect is being used by the outcounty area for its own benefit in many areas. The city does receive benefit from county services, but these do not compensate for tax moneys paid where there is no benefit. The city can adequately provide for those services it would lose if it became a separate county.

Following is minority report B to Committee Proposal 81 as offered and the reasons submitted in support thereof:

Messrs. Madar, Baginski and Mrs. Hatcher, a minority of the committee on local government, submit the following Minority Report B to Committee Proposal 81:

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

THE LEGISLATURE SHALL PROVIDE PROCEDURES BY WHICH ANY COUNTY MAY, BY A MAJORITY VOTE OF THE ELECTORS, ADOPT A COUNTY SYSTEM OF ASSESSMENT. THE METHOD OF SELECTING A COUNTY ASSESSOR OR BOARD OF ASSESSORS SHALL BE DETERMINED BY LAW UNLESS OTHERWISE PROVIDED FOR BY THE CHARTER OF COUNTIES HAVING CHARTERS.

Messrs. Madar, Baginski and Mrs. Hatcher, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 81:

We believe the constitution in article VIII should provide for a county assessor system on a permissive basis. Michigan is one of the few states in the union that does not use the counties, or the cities and counties as assessing units. In many parts of the state, we rely primarily — and unnecessarily — on an outmoded, often amateur

method for deriving the valuation of real and personal property. Assessing, in fact, is primarily a technical task that should be performed by experts, for that is the only way that equity can be accorded to all. It would be a great mistake, if not a tragedy, should we write a constitution for the next generation or more and continue in effect assessment practices based on a social system characteristic of the nineteenth rather than the twentieth century.

The purpose of this minority report is to urge upon the convention the importance of adopting a professional, equitable, modern system of assessment, using the county as the assessing unit.

CHAIRMAN BENTLEY: The gentleman from Pleasant Ridge, the chairman of the committee, is recognized.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, it would be an understatement to assert that the deliberations of the committee on local government were difficult. Behind each one of our proposals lies endless hours of research, testimony, debate, as well as soul searching. From the very beginning our entire committee displayed a keen insight into its many responsibilities, and endeavored to discharge those responsibilities in the best interests of the state of Michigan.

We approached our work from 3 basic standpoints. First, we recognized that with modern Michigan's rapid sociological changes, an effective constitutional provision on local government demanded a realistic approach toward the autonomy of local units of government. We felt that it was our responsibility to provide in the constitution that degree of autonomy which would enable local units to provide the most effective possible service to the community. In addition, we felt that any committee action in this regard should provide a flexibility that would stand the test of time.

Secondly, our committee, like all other substantive committees, was faced with the responsibility of eliminating from the present constitution many cumbersome provisions which have outlived their usefulness. This also applied to the wording of our proposals. In every instance we attempted to communicate the intent of the provision clearly and concisely, without room for ambiguity or misinterpretation.

And, finally, we felt that one of the major committee responsibilities was to positively reflect Michigan's growing problem of urbanization. This is something that was of relatively minor concern in the Constitution of 1907, but since that time the growing concentration of most of the state's population in urban communities has created unique problems that must be recognized in any effective constitution. This we endeavored to do.

And so, as we begin deliberations on these local government proposals, I would say only this. They are the product of a dedicated group of men and women who rose far beyond the call of duty, willing to give much of their time and effort to measuring up to their responsibilities. The proposals before you are the result of that dedication. Their desire has been to strengthen each unit of local government in a way that Michigan can move forward as rapidly as possible. As chairman of this committee, I'm proud of the work that they did.

The procedure that we will follow will be that the chairman will yield to various members of his committee, first to the subcommittee chairmen, and they in turn will yield to members of our committee who will discuss the proposals and the particular section in question.

It's with a great deal of pleasure that I yield at this time to Mrs. Judd, who is the subcommittee chairman on the county portion of our article.

CHAIRMAN BENTLEY: Before the gentleman yields, the Chair would like to ask the chairman of the committee if it is his intention to deal with the proposal in its entirety or on a section by section basis?

MR. A. G. ELLIOTT: The chairman feels that it would be better to deal with it on a section by section basis.

CHAIRMAN BENTLEY: In other words, section a is under consideration at this time?

MR. A. G. ELLIOTT: That is correct.

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

for \$40,000. There have been other instances where the sheriff has been sued.

Now, all this asks is that the county be allowed to protect him by insurance. At the beginning of this series of lawsuits there was no insurance policy available for that particular liability, but the sheriffs' association got one of the companies to draft a policy on purpose for the protection of sheriffs. Some of the county boards of supervisors evidenced a willingness to protect the sheriff and to guarantee him against loss for that kind of injury. But their prosecuting attorneys promptly ruled that they had no right to do it. And it is for the express purpose of permitting the county to pay for the insurance that this change is made.

CHAIRMAN BENTLEY: Will the gentleman from Stanton yield to the gentleman from Lansing, Mr. Wanger, for a question?

MR. BRAKE: Yes.

MR. WANGER: Mr. Chairman and Mr. Brake, the words "the board of supervisors may protect him against claims" I take it then do not authorize the board of supervisors to pass an ordinance or a rule which would give the sheriff immunity from suit?

MR. BRAKE: No indeed. That should not be done and is not done.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Fennville, Mr. Hutchinson, for a question?

MR. BRAKE: Yes.

MR. HUTCHINSON: Mr. Chairman, I would like to ask Mr. Brake whether the cost of the bond that the sheriff must now furnish is to be paid for by the sheriff personally, or does the county pay that premium?

MR. BRAKE: Quite generally the county pays it.

MR. HUTCHINSON: Now, then, if the county can pay the premium for the sheriff's general security, why is it that they couldn't, without this additional language, pay the premium on the kind of insurance that you are talking about now?

MR. BRAKE: Well, I think the fact that that bond is the public's protection against the sheriff, and that there's no authority to sue the county at all, is part of that answer. The prosecuting attorneys, of course, have been the ones that have raised this point, claiming that the county couldn't pay for the insurance, in connection with the statement that the sheriff shall never be responsible for his acts.

MR. HUTCHINSON: That is, that the county shall never be responsible for the sheriff's acts.

MR. BRAKE: Yes.

MR. HUTCHINSON: Thank you, sir.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Detroit, Mr. Norris, for a question?

MR. BRAKE: Yes.

MR. NORRIS: Mr. Brake, isn't the proposition that the county shall never be responsible for his acts, with the categorical statement "never," too strong, under the circumstances, and may not such responsibility be a matter left to the legislature?

MR. BRAKE: I think not. This puts me in a little strange position, but I wouldn't want the sheriffs down here lobbying on the legislature to change that. I think it should be in the constitution, and stay there solid.

MR. NORRIS: You mentioned that the purpose of the "never" in there is to cover such contingencies as may arise out of false arrest and false imprisonment?

MR. BRAKE: That is exactly what it was intended to cover, I'm sure, in the first place.

MR. NORRIS: Well, aren't there some debatable situations, to say the least, under which there might be occasions when the county ought to be responsible for lawless acts on the part of law enforcement agencies?

MR. BRAKE: No. I think the sheriff should be liable, and his bond should be liable; and I think that's enough. I don't think the county should be.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Hancock, Mr. Heideman, for a question?

MR. BRAKE: Yes.

MR. HEIDEMAN: Mr. Brake, I was going to ask the same

thing. Why isn't this statutory language? Why cannot this be kept in the statute, and out of the constitution, and thus help streamline the constitution?

MR. BRAKE: The people in connection with 3 previous constitutions thought they better put it where it wouldn't be changed, and I agree with the people.

CHAIRMAN BENTLEY: Are there any amendments to section e of the committee proposal? If not, it will be passed.

Section e is passed. The secretary will read section f.

SECRETARY CHASE: Section f.

[Sec. f was read by the secretary. For text, see above, page 929.]

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd.

MRS. JUDD: Mr. Chairman, I would like to yield the floor to Mr. Farnsworth.

CHAIRMAN BENTLEY: The gentleman from Allegan, Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman and ladies and gentlemen, as you recognize, this is the same language as you have in your present constitution. The committee felt that this arrangement had been working rather well, and saw no reason to change it. I would be glad to answer any questions you might have.

CHAIRMAN BENTLEY: Are there any amendments to section f of the committee proposal?

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

1. Amend page 2, line 12, after "consisting of 1" by inserting "or more"; and in line 13, after "township" by inserting "and city"; and in line 14, after "Cities" by inserting "and townships"; and after "such" by inserting "additional"; so the language will read:

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

CHAIRMAN BENTLEY: The gentleman from Muskegon, Mr. Hanna, is recognized in support of his amendment.

MR. W. F. HANNA: Mr. Chairman, over a period of time a serious discrepancy has crept into this old provision with regard to the large suburban townships. There are not many of them in this state, but we do have the peculiar situation where a township of considerable population has only one representative, when a city of the same population may have 5, 6, 7 or 8.

For example, in the township of which I was supervisor, we have a population now approaching 20,000. Only the supervisor is a member of our county board. Out of that township, as originally surveyed, has been taken a city a mile square, and with its very meager population it has 2 representatives on the county board of supervisors. This is obviously unfair. Certainly the large townships surrounding the cities are entitled to equivalent representation with the small cities that exist throughout the county.

This merely allows the legislature to prescribe such additional representation after the initial one has been assigned to each city or township in such manner as will be prescribed by law, and will allow them to do as they have done with cities in the past: to classify counties so the boards of supervisors do not become unreasonably large. But it will treat the suburban township in the same manner.

Secondly, when the legislature was trying to create the chartered township act, the fact that they could do many things to free the chartered township and make it an intermediate step or an optional form of township government for those suburban townships that were neither all city nor all rural, but which needed an intermediate position while they were considering their metropolitan problems and their urban problems, the legislature found that they could not grant to chartered townships additional representation on the board of

supervisors because of this prohibition in the old 1907-'08 constitution.

Certainly, the intermediate step of chartered township should be entitled to equal representation on the board of supervisors with those cities now organized or as may be hereinafter organized.

The local government committee has not seen fit to grant township home rule, but I assume that chartered township government will be permitted, and this will erase one of the serious discriminations as concerns township boards of supervisors. The cities are adequately protected. The small townships are adequately protected. But the in between townships are definitely discriminated against.

I urge the adoption of the amendment.

CHAIRMAN BENTLEY: The gentleman from Pontiac, Mr. King, is recognized to speak on the Hanna amendment.

MR. KING: Mr. Chairman, ladies and gentlemen of the committee, I have, also, an amendment on the secretary's desk which is very similar to Mr. Hanna's, and if the secretary would read it and Mr. Hanna would be agreeable, I think we could merge our 2 amendments, and perhaps save some time.

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

1. Amend page 2, line 12, after "1" by inserting "or more members elected"; and in line 13 after "township" by inserting "or city".

CHAIRMAN BENTLEY: Does the gentleman yield to the gentleman from Muskegon for comment?

MR. KING: Yes.

MR. W. F. HANNA: Mr. King, if I understand the import, you are simply adding the word "elected," is that correct?

MR. KING: That's correct.

MR. W. F. HANNA: I have no objection to the merger of the 2 amendments.

CHAIRMAN BENTLEY: Is there objection to the 2 amendments being so merged? If not, it is so ordered and they are so merged. Is there objection? The chairman of the committee, Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I think you moved a little faster than I could get out of that chair. I think because of the discussion that was had in our committee on this particular provision, I would like to ask that they not be merged.

CHAIRMAN BENTLEY: Objection is heard, and the 2 amendments will have to be considered separately.

MR. KING: In that event, Mr. Chairman, I will speak in favor of the Hanna amendment at this time, and depending upon the results of the committee's decision in that area, I will perhaps revise my own amendment. I think it is extremely important that we all recognize this great inequality with regard to representation of large townships on boards of supervisors.

Now, I'm not from a township. I'm from the city of Pontiac, and I represent no township. But I think that this is a situation whereby all people who believe in a degree of democracy can agree that townships of the size of say Mr. Kuhn's township, Waterford township, which is over 50,000 people, and Redford township, which is very close to the size of Pontiac, believe it or not, should be entitled to something more than the same amount of representation accorded a small township in the same county.

Now, I do think that every township ought to have at least one representative, and I don't have the apportionment planned for the counties any more than I do for the states, but at least let's untie the hands of the legislature so that if these inequities, as time goes on, become more and more severe, let's let it look into this situation and come up with a solution. I don't have the answer. All I ask is that large townships not be restricted to one member only. And I think that that is a reasonable request on behalf of the large townships. As I say, I don't represent one, but I think it is important.

CHAIRMAN BENTLEY: The gentleman from Detroit, Mr. Madar, is recognized to speak on the Hanna amendment.

MR. MADAR: Mr. Chairman, I'm speaking in behalf of the committee report and committee recommendation. We dis-

cussed this at great length in the committee, and I can't understand why Mr. Hanna or Mr. King might think that these large townships can't get more representation on the board of supervisors. In fact, nowhere does it say that they shouldn't get more representation. It's provided for, and has been, in our constitution and in our statutes, that the large urban townships can get as much representation as any other city of its size. All they have to do is become a city—and they do have the right to become a city. This is just one of these cases where we want to have our cake and eat it, too.

CHAIRMAN BENTLEY: The gentleman from Muskegon, Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman and Mr. Madar, one of the problems of the suburban township is that it doesn't know for sure whether it wants to become annexed to the core city, whether it wants to be foolish and become a city of its own, or whether it wants to be less foolish and become a chartered township, or whether it wants to remain totally wise and remain a township. They are in a period of transition. And if they are not entitled to fair representation on the board of supervisors during this period of transition, they are like the newly organized counties back in 1850, about which you might have said a newly organized county should have no representation in the state legislature. But, if you recall, when Michigan was going through this transition period, it clearly provided that newly organized counties would have representation in the legislature.

All we are asking is, while they are in the transition period, before they become a city and while they are still a township, that they have fair representation on the board. If you are a supervisor of a metropolitan township, you simply cannot assume a major committee post or any other position, because you have to spread yourself so thin, because you have no one to backstop or help you.

CHAIRMAN BENTLEY: The gentleman from Detroit, Mr. Downs.

MR. DOWNS: I would like to speak in favor of the principle of Delegate Hanna's amendment. I believe that the matter of whether a unit of government is a township or a city should be considered separately from the matter of representation on the board of supervisors. I do have some amendments that are being drafted which will apply to Committee Proposal 89 dealing with the matter of change in charter home rule government. But, in the meantime, I do believe that the thinking of Delegate Hanna would permit a more representative and as a result a stronger and more responsible form of county government.

CHAIRMAN BENTLEY: The Chair would advise that he already has 10 members on the list seeking recognition on this amendment. The Chair recognizes the gentleman from Pontiac, Mr. Kuhn, to speak on the Hanna amendment.

MR. KUHN: Mr. Chairman, I rise in support of the Hanna amendment. As you know, we will be speaking about county home rule shortly, and there are plans devised which will have the board of supervisors come up with some recommendations which the people of this county or any county should adopt if they want this county home rule. I think it is only fair then that the board of supervisors be made up according to the population of that particular county, since they will be the ones drafting this charter that they would adopt.

I have an amendment pending which is very, very similar to Mr. Hanna's, and I'm wondering if he would accept the last 2 sentences as an amendment to his, which would do away with mine, and then we could do away with another amendment. I ask the secretary to read it.

CHAIRMAN BENTLEY: The secretary will read.

SECRETARY CHASE: Mr. Kuhn's amendment is as follows:

1. Amend page 2, by striking out lines 12 through 16 and inserting:

"Sec. f. A board of supervisors, consisting of at least 1 from each organized township and at least 1 from each city, may be established in each county, with such powers as shall be prescribed by law. The balance of the membership of the board of supervisors shall be selected upon a population basis as may be provided by law."

CHAIRMAN BENTLEY: Is there objection? Does the gentleman desire to object?

MR. KING: Yes, Mr. Chairman. I think the wording "upon a population basis" would create further controversy.

CHAIRMAN BENTLEY: Objection is heard.

MR. KUHN: Mr. Chairman, I thought if you amended a person's amendment, it was up to the person who offered the amendment. But if I'm wrong, I will accept your ruling.

CHAIRMAN BENTLEY: The question still recurs on the Hanna amendment. The Chair recognizes the lady from Grand Rapids, Mrs. Judd, to speak on the Hanna amendment.

MRS. JUDD: I would like to yield the floor to Mr. Farnsworth on this.

CHAIRMAN BENTLEY: The gentleman from Allegan, Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, the committee would object to putting the 2 together. We would like them separately.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Livonia, Mrs. Conklin, to speak on the Hanna amendment.

MRS. CONKLIN: I would like to rise in support of the Hanna amendment. I don't live there, but I represent Redford township, with 72,000 people, and I don't choose to decide whether they should become a city in order to get more representation on the board of supervisors. I would like to support the Hanna amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Madison Heights, Mr. Walker, to speak on the Hanna amendment.

MR. WALKER: I rise to support the Hanna amendment. I find it most heartening to see Mr. Hanna, Mrs. Conklin, and all of our other distinguished delegates here supporting the principle of population as a means of representation rather than just area. I feel that in going along with this they are going to make it a possibility that this constitution will be acceptable to all of the people of the state of Michigan.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Kalamazoo, Mr. Allen, to speak on the Hanna amendment.

MR. ALLEN: Mr. Chairman, I'd like to rise and speak in objection to the Hanna amendment. Let me say at the beginning that I think that this discussion actually is going to be a little apportionment fight. That's what we found it was down in the local government committee. We really hashed this over backwards and forwards, and we got into all kinds of inconsistent positions.

Now, traditionally, county government has always been recognized as having its representation on sort of a district or area basis, and not on a population basis. This is why, for example, in Kalamazoo county, where my city has almost half the population, we only have 12 supervisors out of a board of 32.

Now, if you are going to start changing this concept—and this is what the Hanna amendment does; it changes the concept towards the population formula, but it doesn't change it all the way to the population formula—you can say that we get into some terribly inconsistent positions politically.

The Democrats—because they don't go all the way and have a population formula. If they did, Kalamazoo would have half the members of the board of supervisors. And the Republicans—because they don't stand on the position of the area or geographic representation.

Now, in addition to this problem that is raised, we get this. Let's take my county, for example. We have about half of the population. We have 12 supervisors. There are 16 townships. They have approximately the other half of the population. They have 16 votes, we have 12. Now, 2 of these townships are 20,000 or 21,000. When you start granting more, as the Hanna amendment would do, you see, what you do is increase the imbalance that exists.

And I think you will find in every county where this is done, where there is a large metropolitan township, the problem that the central city has is aggravated in the membership of the board of supervisors. Now, we tried to work it out in local government, but what you get into is the diversity in your 83

counties. There isn't a single formula that we could devise here, ladies and gentlemen, that would work for every county.

The legislature has implemented the 1908 constitution so that the existing arrangement, while not totally satisfactory to everyone, isn't too bad. And it has taken a lot of effort.

Now, the Hanna amendment, you see, would do an imbalance to this; and it would create an additional representation from the metropolitan townships, and diminish the proportional amount that the cities have. Well, someone will say: "All right. The legislature can change the formula, and allow greater representation for the cities." Now, this would pull the thing back perhaps if the legislature would do it, but you run into the next objection. Our boards of supervisors, generally speaking, are getting too large across the state. That is, in the heavily populated counties. So that if you add more supervisors from the metropolitan townships and don't have the legislature increase them for the city, you create a greater imbalance. If the legislature corrects it by adding the representation to the city, you get more supervisors. And already in Wayne county you have a 108 man board. Oakland county, I think, is something like 65. In other words, you get too big and too cumbersome a board of supervisors.

Now, it was the conclusion of the local government committee, for these reasons: you either run into the objection that you are going to diminish the fair representation which a city should have, or you run into the objection that you are changing the classical formula of area representation—and if the Republican party now wants to go to a straight population on this matter, that's another matter—or you run into the objection that in order to compensate for the added representation of the metropolitan township, you then have to add members to the city, and you get too large a board, and they are too large generally speaking anyway. You run into so many problems that you are left with what we have. It is not completely satisfactory, but at least it's been worked out. And it's for these reasons that I support the committee proposal and oppose the Hanna amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Taylor, Mr. Ford, to speak on the Hanna amendment.

MR. FORD: I want to support the Hanna amendment. First of all, in answer to some of the points that Glenn has just raised, these were all raised in the committee. Those of us who support this proposition don't purport to rewrite the present formula in any way. All we do is remove the restriction that is now on the legislature that absolutely prohibits a consideration of population for townships.

There is a population formula for cities. Now, all we are asking is that citizens of a county be considered as citizens of a county, and not as citizens of a township, village or a city when you are talking about the government of that county.

Glenn Allen happens to be one of the foremost exponents of a form of county home rule that would have a board—a much smaller board; perhaps a council type of situation—which I'm sure Glenn does not anticipate would be elected all from one city or all from cities or all from townships, or using city or township lines, for that matter. He wouldn't want to put that kind of rigidity into it. He talks for flexibility. This, he says, for example, is a small apportionment fight. Well, this is a small flexibility fight, too. Because all we are asking you to do is take the restriction out.

The language, the way it reads now, is tantamount to a restriction which says you can give the city as many representatives on the board of supervisors as you wish, but you can only give one to a township, regardless of whether you use area, population, or whatever you use as the formula. Just to give you a quick example, in Wayne county we have on our board of supervisors 108 people. Now, you can argue that 108 is too large, and 105 would be better. Some people would argue that 111 isn't too much, but that's the amount we have in the legislature. But I want to tell you what is going to happen in Wayne county if we don't change this. As it now stands, we have 14 townships left in Wayne county that are actual governmental townships. Two of those townships are almost totally taken up by a village, and there's another proposal to take care of those.

But, historically, in the last 20 years townships have not incorporated, in the majority of cases, in toto, as a single city. I give as an example Ecorse township, or what was left of Ecorse township. Ecorse township has been broken up into the city of Lincoln Park, the city of Ecorse, Melvindale, Allen Park and Southgate. Now, because this one township went from a township to all of these cities, and the cities have a population formula, and the city of Detroit is guaranteed by the population formula in effect that so long as it has a majority of the population of the county of Wayne, it shall always have a majority on the board of supervisors, by the incorporation of these cities, every time you add 3, which is what happens when you are dealing with these 30,000 population cities, you automatically add 4 to Detroit. So you put 7 people on the board of supervisors to replace 1.

And this is going on, and at the present rate of incorporation of townships, within the next 10 years the Wayne county board of supervisors will have 150 members, using the present formula. But, in the meantime, townships such as Nankin, which in the 1960 census had 96,000 people, have the same representation as the city of Belleville, with 1,921 people. This doesn't seem to make much sense on any basis. The 96,000 people in Nankin township are county citizens who pay county taxes and who want to participate with equal voice in the government of county affairs. They are not asking for the right to interfere with the affairs of Livonia or any other incorporated city. But they are asking, on the basis of governing their county affairs, that they be given equal voice.

And this is all that the Hanna amendment would make possible. The legislature will have to come up with a formula that could take care of our problem in Wayne county without interfering with the interests that Glenn wants to protect in Kalamazoo, and certainly this could be done if we left it to the legislature and we took this rigidity out of the section, making it possible to do so.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. King, to speak on the Hanna amendment.

MR. KING: Mr. Chairman, I'll be very brief, because Mr. Ford mentioned most of the things that I wanted to point out with regard to what Mr. Allen had to say. We don't purport nor propose to change a single thing. We are devising no formulas. We are only suggesting that we free the hands of the legislature so that they, if the time comes when they deem it necessary, can do this. And as far as his comment that the present system isn't too bad, I submit that that's a point of personal opinion. Some people think it's pretty bad.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Traverse City, Mr. Sleder, to speak on the Hanna amendment.

MR. SLEDER: Mr. Chairman, fellow delegates, I should like to speak in opposition to the Hanna amendment. We have involved here a philosophy of county government, and we must realize that each township and each area receives a service from the county government. And when we distort the representation in the county on the board of supervisors, we then distort the type of service that each area shall receive from this county. Likewise, within a county, we may have an organized city. This city may have a population of say 5,000 people. They have provided their own fire protection, their own street repair, their own street improvements, their own police protection.

In the surrounding township there may be twice this population, 10,000 people, and the county is providing them with their roads, their streets, their fire protection and police protection. We therefore then give this area more representation than we have the city, which is providing its own services, but we have doubled the representation on the board from the township. Therefore, we get a distorted effect on the board of supervisors, in that this one township can and possibly would divert more services to their particular area than the remainder of the county, or the services that are being provided under an incorporated city.

Therefore, on this basis, if we are to adhere to the principles

of the standard form of county government, you must defeat the Hanna amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Niles, Mr. Boothby, to speak on the Hanna amendment.

MR. BOOTHBY: Mr. Chairman, I rise to support the Hanna amendment, and also to make plain my position on this matter so I will not be charged with inconsistency a little later on. The board of supervisors is actually a unicameral legislative body, and this has been so of course for many, many years.

What we actually have in the Hanna amendment is a recognition of a principle to which I completely subscribe, and that is that we will give to each unit of government, both the city and township, an individual representation on this legislative body; and also, in addition to that, we will allow population to have representation also. So it will allow the people that live within the city and township units to have a representation for their own individual problems that arise out of a consensus problem of the particular unit of government. It also recognizes the problem which the people at large residing in the county have, and I feel that this has a great degree of merit.

What I am surprised to find is that Mr. Madar wants equal representation only for the city people, and not for the township people. And this amuses me, to a great extent, and I'm wondering what his position will be later on.

I would like to point out just in my own county what the problem is. Niles township and the city of Niles of course are adjacent to one another. Niles township has 11,934 people living within its boundaries. The city of Niles has 13,842. They are very similar in their population. Niles township has 1 representative on the board of supervisors, and the city of Niles has 5 representatives. A little further down in Berrien county we have the city of Bridgeman, with a population of 1,454 people, with 1 representative.

I cannot understand Mr. Madar's position. I do support the Hanna amendment.

CHAIRMAN BENTLEY: Does the gentleman desire to yield to the gentleman from Detroit for a reply?

MR. BOOTHBY: Yes.

MR. MADAR: Thank you very much. I so far haven't said anything about not giving any of the townships representation by population. I think that all of you heard me say that I felt that we should all have representation by population—not alone in townships and in cities, but also in counties—yes, the state of Michigan, where we are getting a much fairer representation from the federal government than we in Wayne county are getting from the state. All I said was that the townships could get representation by population by incorporating, by becoming a city.

I'm sure that you have had enough schooling—in fact, you have had more than I, I'm positive of this, because as I understand it you are a college graduate—but when I went to school, what I said meant that they could get representation by population. All they have to do is become a city to get it. Now, that isn't too tough to do. The only thing is, you must be fair and willing to pay your fair and proportionate share of your taxes.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Allegan, Mr. Farnsworth, to speak on the Hanna amendment.

MR. FARNSWORTH: Mr. Chairman, I, of course, for the committee, would have to oppose the Hanna amendment. I'd like to say that we on the local government committee are quite well pleased to find that we have so many friends of townships here at the convention. We like that. This is like getting back into the committee work again. This has been gone over and over in committee. I would urge each and every one of you, when we vote—which I hope will be soon—that unless you have good and compelling reasons based on knowledge and fact, that you support the committee in their position, and vote down the Hanna amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Escanaba, Mr. Follo, to speak on the Hanna amendment.

MR. FOLLO: Mr. Chairman and members of the committee, I don't get up very often to oppose or support anything, but I find in the last couple of days I've gotten up twice now to oppose amendments by Mr. Hanna, and I assure him this is not on account of any personal animus.

I feel this way. Much of what I was going to say has been said by Glenn Allen and Julius Sleder, but we have a problem up in Delta county. The city of Escanaba and the city of Gladstone have over 2/3 of the population of the county, and yet we have less than half of the membership on the board of supervisors. I'm afraid that what Mr. Hanna's amendment would do would be to throw it farther into imbalance. For this reason I would like to oppose the Hanna amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Mattawan, Mr. Finch, to speak on the Hanna amendment.

MR. FINCH: Mr. Chairman, members of the committee, I would like to support the Hanna amendment. I would say that this sounds like committee room A back a few weeks ago.

Also, one other thing. That is that some cities in our area with I believe only 850 population have 2 members on the board of supervisors, and with Glenn Allen saying that some townships in his area with 20,000 or more only have 1, I think that there isn't any reason why this Hanna amendment couldn't pass.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Sheridan, Mr. Gover, to speak on the Hanna amendment.

MR. GOVER: Mr. Chairman, fellow delegates, I want to go on record as supporting the Hanna amendment. In our committee on local government I had a proposal in there to give representation on the board of supervisors to villages, which the committee saw fit to defeat. Many of these villages are large size, and they increase the population of the township. I was told on my proposal that the supervisors would represent all the townships that need to be represented. For that reason I've got to go on record as being in favor of the Hanna amendment, so that some of the larger townships can get more representation on the board of supervisors.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Bay City, Mr. Higgs, to speak on the Hanna amendment.

MR. HIGGS: Mr. Chairman, fellow delegates, I would like to speak in favor of the Hanna amendment. In particular, I would like to call attention to and support the argument that Delegate Hanna made in favor of the principle of the township which is in the transient stage, so to speak, unable to decide whether it should or should not become a chartered township, whether it should or should not become a city, for fear of tying itself to a form of government in a fairly permanent form.

Now, I say this although in my township of 107,000 I myself live in the city, and our city includes probably more than a majority of the inhabitants of the county. But I come here not as a representative of the city, but as a representative of the entire county. And I do know that there are several townships adjacent to my city that do favor and would look sympathetically upon permitting this flexibility, permitting the legislature to attempt to solve this problem.

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

MR. A. G. ELLIOTT: I assume, Mr. Chairman, that you have others to recognize on this thing. May I just urge the delegates of this committee of the whole to be careful, and unless they have new ideas to add to something that has been cooked over now for a half hour, that we move on, because we have some other items, and I know there are other amendments on the floor.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Dearborn, Mrs. Cushman, to speak on the Hanna amendment.

MRS. CUSHMAN: I have an amendment to the Hanna amendment which I wonder if I could present now, and speak on it.

CHAIRMAN BENTLEY: Mrs. Cushman, the secretary advises me that your amendment is not properly an amendment to the Hanna amendment, since it is to add a proviso to the end of the section, and the Chair would suggest that you offer your amendment at the appropriate time.

MRS. CUSHMAN: I wanted to add it to this business of "1 or more."

CHAIRMAN BENTLEY: The secretary will read your amendment.

SECRETARY CHASE: Mrs. Cushman's amendment is:

1. Amend page 2, line 16, after "law" by changing the period to a colon and inserting "Provided, That each unit of government shall be entitled to representation in proportion to population."

CHAIRMAN BENTLEY: The Chair will reverse his ruling and rule that the amendment to the amendment is in order, and Mrs. Cushman is recognized in support of her amendment to the amendment.

MRS. CUSHMAN: What I think my amendment to the amendment does here is point out the issue fairly clearly. The issue is one of whether we are going to stick with the type of representation in the county that we are used to at the present time, which is a combination—it's really an area basis for the townships and a population basis for the cities, limited—or are we going to go to something that is really on a strict population basis? I have heard a lot of discussion here from people favoring the Hanna amendment, which indicates that they favor a straight population basis. This would be achieved by this amendment.

Now, I don't claim that my amendment is very perfect. I haven't had much time to work out the details. It might lead to a few problems.

For example, we have in the state of Michigan 1,258 townships, as I recall. Now 129 of those townships have populations of less than 300 people. One township has a population of as little as 27 people. This township is still entitled to 1 representative on the board of supervisors.

Now, as I would see it, if we were going to take that particular county—and I can't recall now which county it is—as our sample county, then you would have to work it out so that if you were going to give that 1 unit of population in that township, 27, a representative, then you would have to give every other group of 27 in that county 1 representative.

Now, this would lead, I think, to quite a few people on the board of supervisors, but it would be strictly in proportion to population. And I think that this is apparently the intent of the people who have indicated that they want a straight population basis.

Now, as I say, it has some real problems here. But what I am trying to point out to you is that if you go to a straight population basis, you've got to consider the fact that we've got some mighty small townships which are now getting a full representation, as well as some mighty big ones.

The way that we have hoped that we could work this out, if the counties wished to, was through a real home rule type of situation, where they would be free to set up the type of government that they would need for their county, and set up their board of supervisors in such proportion and with such numbers as would most fairly represent the people of their county. Thank you.

CHAIRMAN BENTLEY: The question is now on the Cushman amendment to the Hanna amendment. The secretary will again read the Cushman amendment.

SECRETARY CHASE: The Cushman amendment is:

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

CHAIRMAN BENTLEY: Does the lady from Livonia, Mrs. Conklin, desire to speak on the Cushman amendment?

MRS. CONKLIN: Mr. Chairman, I'm not sure. I have a question that I would like to ask. I didn't mean to get involved in an apportionment problem here. I just simply can't seem to get an answer yet. I would like to direct the question to Mr. Allen, if I may, as to why cities should be handled any differ-

ently than townships. I think we've gotten awfully far afield from what I think the intent of the Hanna amendment was, in my opinion, and I would like to find out why cities should be handled any differently than townships.

CHAIRMAN BENTLEY: The lady yields to the gentleman from Kalamazoo for a reply.

MR. ALLEN: The reason, Mrs. Conklin, is that the constitution provides for 1 from each township, period. That's all that is in the constitution. Now, in order to get representation from the cities, this has been handled by legislation. And because your cities are generally much larger than townships, the legislature set the matter up this way.

While I'm answering, I might say that if there are those who feel that cities are overrepresented, particularly your small towns, the correction is not here in the constitution, but is over at the legislature. There they have some flexibility.

MR. KUHN: Point of order.

CHAIRMAN BENTLEY: Will the gentleman state it.

MR. KUHN: The way I understand the Cushman amendment, it is completely out of order, based on the Hanna amendment. The Hanna amendment says there shall be at least 1 supervisor from each township and city, and hers says that it must be strictly according to population at the end. This could leave a township or city without any, and therefore I say that it is inconsistent.

CHAIRMAN BENTLEY: Does the lady from Dearborn, Mrs. Cushman, desire to speak on the point of order?

MRS. CUSHMAN: Yes. I don't see that it would leave anybody without representation. In fact, I specifically put in there that every unit would be represented according to population. I don't see that there is any implication here to the contrary.

CHAIRMAN BENTLEY: The Chair rules that the amendment is consistent with the Hanna amendment, and the point of order is overruled.

Does the gentleman from Detroit, Mr. Stevens, desire to speak on the Cushman amendment?

MR. STEVENS: Mr. Chairman, members of the committee, it seems to me quite simple that what Mrs. Cushman is attempting to do will be provided for, I suppose, in a later proposal for county home rule. I don't see how you can get any thing as complicated as this in any other way. It would change the whole present system of county government.

CHAIRMAN BENTLEY: Does the gentleman from Allegan, Mr. Farnsworth, desire to speak on the Cushman amendment?

MR. FARNSWORTH: Mr. Chairman, I would, thank you. Now, I would like to get the Cushman amendment squarely before the committee. The Cushman amendment was to put the selection of the board of supervisors strictly on a population basis. So let's do a little arithmetic. We take 1 from each township. That is settled. We are all in agreement with that, that there will be 1 from each township.

So let's take this township that has 300 people in it. They would get 1, wouldn't they? Then let's take the township with 3,000 people, and they would get 10. Now we have this city that you have been talking about with 30,000 people in it, and they would send 100 people down there. Now, just how large a board of supervisors do we want? Don't you see how inconsistent some of these things get when you start tinkering with them! So I say, again, to you: vote down the Cushman amendment.

I hope it gets to be a habit with you, so that when you get to the Hanna amendment, you will vote that one down, too. (laughter) And, again, I must say to you, unless you have good and compelling reasons, based on facts and knowledge, let's vote these down and get going.

CHAIRMAN BENTLEY: Does the gentleman from Pontiac, Mr. King, desire to speak on the Cushman amendment?

MR. KING: Yes, I do. I also suggest that we vote down the Cushman amendment. I'm afraid the distinguished lady from Dearborn is using a devious means to kill a very worthwhile amendment, the Hanna amendment. And I suggest that we vote down the Cushman amendment, but not confuse the two. I think there is a great deal of merit in the Hanna amend-

ment, because he is not proposing any formula or any apportionment or anything like that. We are merely giving to the legislature a power which I think any of us who believe in constitutional government would agree that they ought to have.

CHAIRMAN BENTLEY: Does the gentleman from Pontiac, Mr. Kuhn, desire to speak on the Cushman amendment?

MR. KUHN: Mr. Chairman, I would have to speak against the Cushman amendment, because I don't understand it, and because of the fact that I do not think it does what you are trying to tell me it does. Therefore I'm against it. (laughter)

CHAIRMAN BENTLEY: The gentleman from Muskegon, Mr. Hanna, is recognized to speak on the Cushman amendment.

MR. W. F. HANNA: Mr. Chairman and delegates, the Cushman amendment would completely change the present representation on the board of supervisors, not only as to townships, but as to cities. The representation by cities is by class of population, not in proportion to population. All the Cushman amendment does is scramble the eggs, but good. What my amendment did was to say in effect that the legislature shall have permission to classify townships of 5,000 to 10,000 population in the same bracket as cities of 5,000 to 10,000. I would trust the wisdom of the legislature. But to attempt to put them on straight population, as the Cushman amendment does, is to scramble the eggs of every board of supervisors, and not erase the discrepancies that exist because the board of supervisors is a representation of governmental units, as well as people.

CHAIRMAN BENTLEY: The question occurs on the amendment to the amendment offered by the lady from Dearborn, Mrs. Cushman. As many as are in favor of the amendment to the amendment will respond by saying aye. Those opposed.

The amendment to the amendment is not adopted.

The question now occurs on the amendment offered by the gentleman from Muskegon, Mr. Hanna. The Chair recognizes the chairman of the committee, the gentleman from Pleasant Ridge, Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, Mr. Hanna, as chairman of the committee on local government, I would be constrained to urge a no vote on the Hanna amendment—not because I don't believe that the intent of Mr. Hanna's amendment is a sound one, because I think that in his approach he was trying to reach a solution which our committee debated for a long time. We went through every argument that you have heard on this floor, and a few that I'm afraid you may hear before we rise, and when we got through we could not come to a decision. And we had the amendments that Mr. Hanna has introduced within our committee, and they were defeated. Finally, when we became fully aware of the fact that the problem was as complex as it now seems to be, we voted on retaining section 7 of article VIII of the 1908 constitution as it was, and our vote on that motion was unanimous.

MR. FORD: Point of personal privilege, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. FORD: As a member of the committee on local government, this must have been one of the meetings I wasn't invited to, because we did not vote unanimously at any time on the consideration of this issue.

MR. FINCH: Mr. Chairman, a point of personal privilege, also.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. FINCH: The same thing is true. This was not a unanimous vote by my vote.

MR. A. G. ELLIOTT: I should have clarified it. Mr. Ford, Mr. Finch, I'm sorry; what I meant to say was that in the vote that was taken on this, in the final reading, the vote was unanimous. I could check to see whether these 2 gentlemen were there.

MR. MADAR: Mr. Chairman—

CHAIRMAN BENTLEY: For what purpose does the gentleman rise?

MR. MADAR: I just want to make a correction here. All of the committee members have always been invited to all of the meetings. It is a matter of record.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd, to speak on the Hanna amendment.

MRS. JUDD: I just want to second what Mr. Elliott has said. I think the experience on the floor has proved that it is impossible to write a formula in the constitution that will be satisfactory to every county. It would be equally impossible, I think, or almost so, for the legislature to write a general law that would be satisfactory to every county. This is a problem that has to be worked out in each county, and which could be done under a home rule amendment. This is the reason we have recommended this proposal. We know it isn't particularly good, but it is the best that we could work out for all counties.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Muskegon, Mr. Hanna, to speak on his amendment.

MR. W. F. HANNA: Mr. Chairman, I would like to address Mrs. Judd. Will you consent to changing the language to "there shall be 1 supervisor from each city and 1 supervisor from each township"? Because if it's so difficult to work out a formula for the metropolitan township, certainly the legislature, as you have classified them, could never work out a formula for the cities. The poor dears over there would struggle with it, and would never be able to arrive at any formula. Certainly, if they are intelligent enough to approach it as to a formula for cities, they are intelligent enough to approach it for the 100 townships or so that are faced with this problem. (applause)

CHAIRMAN BENTLEY: The gentleman yields to the lady from Grand Rapids, Mrs. Judd, for a reply.

MRS. JUDD: Of course, I have a great deal of respect and hope for the legislature, Mr. Hanna. However, I think that I will stick by the committee proposal, and I think it's just up to the convention to decide which one they like.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. Kuhn, to speak on the Hanna amendment.

MR. KUHN: Mr. Chairman, first let me say that I agree 100 per cent with Bill Hanna. We are not attempting to write any formula. This is the same provision that is in the constitution today, except for one small, minute change, and that is: we take away the restriction that townships shall be limited to 1 member on the board of supervisors. We are not doing anything else but taking away that restriction.

The constitution today does not set a formula for the legislature as to how they should set up boards of supervisors as to city people. We are not asking them to do it now.

I would like to reply to one thing that Brother James Farnsworth had to say. He said that this committee had agreed we should follow the majority report, and gave great emphasis on the majority report. Several other delegates of that committee said the same. Then I happened to see on my desk a minority report from this same committee. I'll agree it's on another subject, but I understand that Mr. Farnsworth is also one of the leaders of that minority. (laughter) And I would like to add that not only did Mr. Farnsworth sign this minority report on Committee Proposal 89, but also Glenn Allen, James Farnsworth, Dorothy Judd, Julius Sleder and Charles Follo, all the people that spoke against the Hanna amendment. (applause)

CHAIRMAN BENTLEY: The committee will be in order. The Chair recognizes the gentleman from Traverse City, Mr. Sleder, to speak on the Hanna amendment.

MR. SLEDER: Fellow delegates, I feel we are losing the philosophy on county government. We are being carried away with an area here that doesn't apply to the standard form of county government.

And again I must refer to the fact of the reason why we have a county government, and that is for a certain type of service. And we must keep these services in balance. As soon as you distort the representation on the board of supervisors from the areas that supplement and support this form of government on the same basis, you are destroying the standard form of county government as we've known it in Michigan.

And this is important. As soon as we get more representation from one township that can ask for and receive more services from that same county, we then are spoiling our county form of government. Now, this is important, and this is what

you must remember. And this is why you must defeat the Hanna amendment.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Muskegon, Mr. Hanna. As many as are in favor will respond by saying aye. Those opposed will say no.

The amendment is adopted.

A DELEGATE: Division.

CHAIRMAN BENTLEY: A division has been demanded. There is a sufficient number. Those in favor of the Hanna amendment will vote aye. Those opposed will vote no. The secretary will lock the machine.

SECRETARY CHASE: The vote on the adoption of the Hanna amendment is yeas, 52; nays, 58.

CHAIRMAN BENTLEY: The amendment is not adopted. The secretary will report the next pending amendment to section f of the committee proposal.

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

1. Amend page 2, by striking out lines 12 through 16 and inserting "Sec. f. A board of supervisors, consisting of at least 1 from each organized township, and at least 1 from each city, may be established in each county, with such powers as shall be prescribed by law. The balance of the membership of the board of supervisors shall be selected upon a population basis as may be provided by law."

CHAIRMAN BENTLEY: The gentleman from Pontiac, Mr. Kuhn, is recognized in support of his amendment.

MR. KUHN: I won't have very many words to say on this, except that this would put the townships on an equal basis with the cities in our county form of government.

CHAIRMAN BENTLEY: Is there discussion on the amendment offered by the gentleman from Pontiac? The Chair recognizes the gentleman from Allegan, Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I make a point of order that that is essentially the same as what we just voted down.

CHAIRMAN BENTLEY: Does the gentleman from Pontiac desire to respond to the point of order raised by the gentleman from Allegan?

MR. KUHN: I raised the same point of order on Mrs. Cushman's amendment, and you told me that it was in order. And I tried to get my amendment up earlier, and you told me I was out of order. So I would think it goes without saying that we should have a vote on my amendment.

CHAIRMAN BENTLEY: The Chair finds that the amendment offered by the gentleman from Pontiac, Mr. Kuhn, contains these words, "The balance of the membership of the board of supervisors shall be selected upon a population basis as may be provided by law," and feels constrained to overrule the point of order. The amendment is accepted as being in order.

MR. KUHN: Mr. Chairman, in other words, you are saying that you were mistaken earlier when I raised this question? (laughter)

CHAIRMAN BENTLEY: The Chair has ruled that your amendment is in order, and the gentleman may proceed.

MR. KUHN: Thank you. I have no further comments.

CHAIRMAN BENTLEY: The gentleman from Allegan.

MR. FARNSWORTH: Mr. Chairman, for the same reasons that the committee has opposed the other amendments, they likewise would oppose this one, and urge that you not adopt it.

CHAIRMAN BENTLEY: The vote occurs on the amendment offered by the gentleman from Pontiac, Mr. Kuhn. As many as are in favor will respond by saying aye. Those opposed say no.

The amendment is not adopted.

MR. KUHN: Division.

CHAIRMAN BENTLEY: The gentleman demands a division. Is the demand supported?

SECRETARY CHASE: Ten.

CHAIRMAN BENTLEY: There's a sufficient number. Those in favor of the amendment by the gentleman from Pontiac will vote aye. Those opposed will vote no. The secretary will lock the machine.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 28; the nays are 75.

CHAIRMAN BENTLEY: The amendment is not adopted. The secretary will report the next pending amendment to section f.

SECRETARY CHASE: Mr. King offers the following amendment:

1. Amend page 2, line 12, after "1" by inserting "or more members elected"; and in line 13 after "township" by inserting "or city"; so the language will then read, "A board of supervisors, consisting of 1 or more members elected from each organized township or city, shall be established in each county. . . ."

CHAIRMAN BENTLEY: The gentleman from Pontiac, Mr. King, is recognized in support of his amendment.

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. FARNSWORTH: We have just had the language of 1 or more from a township. We just got through voting on it.

CHAIRMAN BENTLEY: The Chair would have to rule that because of the insertion of the word "elected" the amendment does not contain the same language you just previously voted on, and overrules the point of order.

The gentleman is recognized.

MR. KING: Mr. Chairman, ladies and gentlemen of the delegation, I don't know just how to approach this problem, because we obviously have turned down the idea of any more than 1 supervisor being allowed from a township, no matter how large; and if we won't grant any kind of reasonable representation, I guess it would be quite a lot to expect that we allow the people to select these people. But I'll carry on anyway.

I really believe in the representative type of government that we have here in America, and I think it would be a nice idea if we could elect our representatives.

Now, in my city of Pontiac, I don't know my supervisors, and they don't know me, and I'm sure that they are not going to put themselves out to report back to me, inasmuch as I didn't put them on the board. They are appointed by the city commission, and they know who they are responsible to; they are responsible to the city commission. Maybe that's a good form of government, I don't know.

But, seriously, the argument that is going to be raised is that the cities and the counties ought to have the same people serving in both places. Now, our mayor, of course, is also on the county board of supervisors. I don't think this is a valid argument. I think we ought to have a separation between levels of government. I don't think that the supervisors should necessarily sit in the legislature. I don't think the governor should sit in the United States senate. I think that we ought to keep separate these various levels of government.

I think that the members of the county board of supervisors ought to be elected by and responsible to the people. And inasmuch as you have already decided that we are not even going to permit the legislature to have any kind of apportionment, I would like to withdraw these words "or more" and just leave the word "elected," if I may. I don't want to confuse the issue.

CHAIRMAN BENTLEY: Is there objection to the request of the gentleman that he be permitted to revise his amendment? Hearing none, it is so ordered.

The secretary will read the amendment as revised.

SECRETARY CHASE: The language of the amendment now offered by Mr. King is, "A board of supervisors, consisting of 1 member elected from each organized township or city. . . ." Is this what you are after, Mr. King?

MR. KING: That does point out the problems you get into when you try to deal with the degree of inequality between cities and townships, but that is not what I'm after.

Maybe I better sit down and try to draft it, but what I would like to say is that we ought to elect all of the supervisors, and I guess it's the decision of this group here that cities will be entitled to 1 or more, and townships will be entitled to 1 only. That's what I'm trying to arrive at, be-

cause I don't want to be paying for a dead horse, and Mr. Hanna's horse has already died. (laughter)

CHAIRMAN BENTLEY: The gentleman from Allegan, Mr. Farnsworth, is recognized.

MR. FARNSWORTH: Mr. Chairman, I must say at this point that the committee is somewhat confused as to exactly what Mr. King would like to have us vote on.

Mr. King, are you asking us to vote on the proposition as to whether we elect, as against appointment of city representation of supervisors?

MR. KING: Yes.

MR. FARNSWORTH: That is what you would like to have us vote on?

MR. KING: Yes.

MR. FARNSWORTH: All right. I understand it completely, now. Thank you very much.

Mr. Chairman and members of the committee: I might say, again, that this was explored at quite some length in the local government committee, and quite a lot of testimony was developed that some of the better members of the boards of supervisors coming from cities certainly are the appointed members. It was also brought out that in many, many cases these men would not be available to the boards if they had to run for election.

However, it is a good question, it should be settled, and we are quite willing to put it to a vote. But, again, we urge you, unless you have good and compelling reasons based on knowledge and facts, that you go along with the committee and vote down the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Stevens, on the King amendment.

MR. STEVENS: Mr. Chairman and members of the committee, I should like to know what we in Wayne county, in the city of Detroit, would do if we had to elect over 60 members of the board of supervisors. Until such time as a board of supervisors is made smaller, it seems to me an impossible task. If you don't know your supervisors now, those of us in Detroit certainly would not know the candidates who might be on the ballot.

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

MR. A. G. ELLIOTT: Mr. Chairman and ladies and gentlemen of the committee, our committee spent almost as much time on this particular subject as we did on the one which we have just discussed. There is, however, one bit of information that Mr. King didn't tell the committee, which I think is important, and that is this: that those appointive members of the board of supervisors are only appointive because the charter under which their city is operated so states, and that those people that Mr. Kuhn was talking about were the ones that adopted the charter; and therefore it would be possible that any time any community wished to have an elective board of supervisors, they have the means available for them to do so.

And so, after all of the discussion was heard in our committee, we arrived at the decision that this section was as nearly proper as we could make it as it now reads in the 1908 constitution.

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. PRETTIE: As I understand it, the parliamentary posture is that Mr. King has withdrawn his amendment, and we have nothing before us to consider.

CHAIRMAN BENTLEY: The gentleman has not yet asked permission to withdraw his amendment. Does he so ask permission?

MR. KING: Mr. Chairman, I'm sorry for this confusion. I have straightened the matter out and have given the proper wording to the secretary. I did not intend to withdraw it. I merely meant to try to sit down and clarify it, which I have done. And I think at this time, if the secretary could read my new amendment, it would clarify the situation.

MR. PRETTIE: I will withdraw my point of order.

SECRETARY CHASE: Mr. King's amendment, as revised, is now as follows:

1. Amend page 2, line 14, after "such" by inserting "elected"; so the sentence will read, "Cities shall have such elected representation in the boards of supervisors of the counties in which they are situated as may be provided by law."

CHAIRMAN BENTLEY: Is there objection to the request of the gentleman to withdraw his amendment and insert the new language? Hearing none, it is so ordered.

The gentleman from Kalamazoo, Mr. Allen, is now recognized.

MR. ALLEN: Mr. King, let me ask you a question before I make some comments, to be sure I understand. I was a member of the board of supervisors, and still am. I was elected a city commissioner. By virtue of being a city commissioner, I went to the board of supervisors under our charter. Now, under your amendment, am I elected or not elected?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Pontiac, Mr. King.

MR. KING: Mr. Chairman, Mr. Allen, under my amendment you would qualify.

MR. ALLEN: I would qualify?

MR. KING: Yes.

MR. ALLEN: All right. I raised the point because the same thing happens on a supervisor. A supervisor is elected a township supervisor. He is not elected a member of the board of supervisors. He is elected a township supervisor. By virtue of the statute he then is entitled to sit on the board of supervisors. Now, since we are only talking about people who are appointed from the city to the board of supervisors under your proposed amendment, as distinguished from their election, even though they may be elected as city commissioner or mayor or something like that, I think the committee should know that the charters of most of the large cities in Michigan, adopted by the people, have provided for appointed members. These are not by any means the majority. They are the minority. Our charter, for example, in Kalamazoo, provides that the city assessor and the city attorney are appointed members of the board of supervisors.

If your amendment prevails here, you are undoing the charters of the various cities. Now, maybe that's all right to do. But I want the committee to know it.

Secondly, I would like to say this. That in our case our city assessor is one of the most valuable members of the board of supervisors, particularly when it comes to equalized values, the valuations, assessments and county equalizations, and our city attorney is, too.

And thirdly, I know one city right now which has had such a dismal experience where they have elected their supervisor to the board of supervisors—he is not elected as a mayor, but he is elected as a supervisor—they have so little interest in the election, and so on, that they are thinking of revising their charter to go to some other system.

Now, I think this is the kind of problem that you run into under your amendment. You bar out the appointed member, and often that appointed member is there in a very, very useful and trained capacity.

MR. KING: Will the gentleman yield?

CHAIRMAN BENTLEY: Do you yield to the gentleman for a reply? The gentleman from Pontiac, Mr. King.

MR. KING: My only point in this regard is it seems as though what you are saying, Mr. Allen, is that regardless of how the counties want to run themselves, or how they think they ought to be run, or how the people in the counties want to run themselves, that the representation from the cities is up to the cities and up to the city charters. Now, I don't personally agree with this. But if you will assure me that we have some chance of getting some decent home rule, I'll withdraw my amendment and fight it out in my own home county.

MR. ALLEN: It depends on whether you accept the minority or the majority report. (laughter)

MR. KING: I don't accept the majority report.

CHAIRMAN BENTLEY: The gentleman from Grand Rapids, Mr. Blandford, is recognized to speak on the King amendment.

MR. BLANDFORD: Mr. Chairman, my points have been pretty well covered by Mr. Elliott and Mr. Allen. This is strictly a problem with cities, and the problem can be simply handled by cities, as has previously been mentioned, by changing their charters. It certainly should not be a part of this constitution.

We in Grand Rapids have a combination of methods. We elect some and appoint some. And any city can do the same thing if they merely change their charter.

This, I feel, certainly should not be a part of this constitution.

CHAIRMAN BENTLEY: Does the gentleman from Grand Rapids yield to the gentleman from Pontiac for a reply?

MR. KING: Mr. Chairman, I think that I have seen here today some of the reasons why we need home rule. Because of that, I'm going to withdraw my amendment, if there's no objection, and let's have it out on home rule and come up with something so that these problems can be solved.

CHAIRMAN BENTLEY: The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

MR. DOWNS: I object.

CHAIRMAN BENTLEY: Objection is heard. The gentleman from Detroit, Mr. Yeager, is recognized to speak on the King amendment.

MR. YEAGER: Mr. Chairman, I can't help but ask the question, what has happened to all of the advocates of "one man, one vote"? It seems to me they are very silent on this question. You'll pardon the expression, but I think it boils down to whose gore is being oxd. (laughter)

CHAIRMAN BENTLEY: The gentleman from Detroit, Mr. Downs, is recognized to speak on the King amendment.

MR. DOWNS: I believe, Mr. Chairman, that my comments will answer the question raised by the earlier speaker. In fact, my raising the objection to withdraw the amendment was so that I could express myself rather freely, and I hope not too long.

I do, as I told the committee earlier, have some amendments which Miss Hart and I are in the process of preparing and having the research department review, which will be presented on Committee Proposal 89.

I do want to call to the delegates' attention that what we are talking about is a very basic element of government. A board of supervisors is a legislative body. The question here is, should a member of the legislative body be elected or be appointed? I stand 4 square that anybody serving in a legislative role should be elected to that position. And I further support the concept that he should be elected on a "one man, one vote" basis; and I will even go so far as to say: to assure it's a responsible form of government, it should be on a responsible partisan party basis. That may be beyond the immediate amendment.

But I believe that Mr. King's amendment is sound, in that it is a step in the direction of strengthening county government, and strengthening the board of supervisors. And I call the delegates' attention, particularly, to the fact that we are talking not only about a board of supervisors as we now have, but one that may have extended powers—powers to select the members of the executive branch of the county, the clerk, the treasurer, and so forth—and it is even more important that we see there is a board of supervisors that represents the people and is responsible to the people.

If the delegate from Kalamazoo wants assessor technicians, fine. You can hire them. But have them hired by a legislative body that is elected.

I do in fact think it would be an interesting constitutional question, and I don't believe it has ever been before the state supreme court, as to whether our present board of supervisors is in fact a constitutional body when there are members of that legislative body that are not now elected.

I hope I have made myself clear to my fellow delegate from Detroit that I favor an elected board of supervisors; I favor it on "one man, one vote." Thank you.

CHAIRMAN BENTLEY: Does the gentleman from Detroit care to yield to either Mr. Stevens or Mr. Wanger?

MR. DOWNS: I will yield to Mr. Wanger, and then to Mr. Stevens.

CHAIRMAN BENTLEY: Mr. Wanger.

MR. WANGER: Mr. Downs, I just wanted to ask, as I understand this amendment as it is now before us, this applies just to cities. That is, all the supervisors that come from any city must be elected, in such way as will be provided by law. Well, I just wondered. Our largest city is the city of Detroit, and during the campaign for the constitutional convention, and since then, we have heard about the bedsheet ballot, a long, long ballot, in our bigger cities. Now, everybody doesn't have this problem, but some of the big cities do. And I just ask, will this amendment, if adopted, increase that problem in the city of Detroit?

MR. DOWNS: Well, you give me a moment's pause on this one. Your question, as I understand it, is: if we elect supervisors from Detroit, would it make it a longer ballot or a shorter one? It could do it either way. I think this should be clear, and I would yield to Mr. King if I do not quote his amendment correctly. I spoke briefly to it.

As I understand, this would mean that the person would need to be elected, but if he were an elected council member, he could by virtue of that office also serve on the board of supervisors. The key would be election; it would not be appointment.

Now, if we went further and got equal representation, I think it would be up to the charter commission on the home rule situation to define how the areas would be divided. For example, if the city of Detroit were entitled to the same number of people on the board of supervisors as there are state representatives, each state representative district could also elect a member to the board of supervisors. This would make a longer ballot. I, for one, think a longer ballot is a small price to pay, in preference to having somebody appointed to serve in a legislative capacity. Does that answer your question?

MR. WANGER: Yes.

CHAIRMAN BENTLEY: Does the gentleman yield to Mr. Stevens?

MR. DOWNS: Yes, I yield to Mr. Stevens.

MR. STEVENS: Mr. Downs, so long as we have the conventional type county government, and so long as we must—even if about 12 officers serve ex officio—elect something like 50, do you still, for that time and under these conditions, favor election by the people of Detroit?

MR. DOWNS: I am wondering, through the Chair, if I could ask for the question to be repeated. I was not quite sure on the 50 and 12.

MR. STEVENS: I was being approximate. We have something like 62 supervisors, or members of the board of supervisors, on the Wayne county board. About 12 of them are ex officio. They are elected. That's the councilmen, the mayor, the city treasurer and city clerk. The rest of them, or at least most of them, are appointed by these persons who are ex officio. If they were all elected, we would have approximately 50 to elect. You speak about a commission type or a home rule type government, which obviously would probably reduce that number very considerably.

MR. DOWNS: Yes.

MR. STEVENS: I'm asking you, do you favor it under the present conditions?

MR. DOWNS: Let me put it this way. I always favor elected legislative officials over any form of appointed legislative officials. I want to make that clear.

Now, I think that the county of Wayne—and I believe it will be coming up on our later proposals—as other counties, should have the right to reduce the size. I believe there are now about 111 members on the board of supervisors of Wayne county. Personally, I think that's too big. I think that should be reduced. I think counties should have a maximum of flexibility of the size or the number of the members of the board of supervisors, but they should all be elected. But I am supporting—and I believe this is consistent with Mr. King's recommendation—that council members could no longer appoint members to the boards of supervisors.

MR. STEVENS: To go a little further, what I'm talking about is a present condition. I understand we are talking about the standard in conventional townships, not a township under home rule. That's something else. If the Wayne county voters want home rule, and want to set up a small board of supervisors, then what you have in mind is something else.

MR. DOWNS: Yes, I believe that the King amendment is limited to the matters of boards of supervisors representing cities; and, as such, this would simply provide that those would need to be elected, and could not be appointed. I believe the language is "elected as may be provided by law." It does not spell out the method, and that could be done by appropriate legislation.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Port Huron, Miss Andrus, to speak on the King amendment.

MISS ANDRUS: Mr. Chairman and members of the committee, I asked for recognition long, long ago, and I think Mr. Allen pretty much answered what I wanted to ask. Then I thought this was going to be withdrawn. I understand it is not being withdrawn. I would like to ask Mr. King this question again. Perhaps Mr. Allen answered it satisfactorily or sufficiently, but I would like to know a little more. In my community we have 11 elected supervisors from precincts, and then we have 6 who are provided in our city charter, 3 of them ex officio—the city assessor, the city treasurer and the city attorney—and then the mayor appoints 3.

Now, in the past the mayor was always very modest. He didn't appoint himself. And as I have attended meetings of the board of supervisors, other communities had the mayor there. The townships had the supervisor. The supervisor is the administrative officer, and he could speak for his township. We had no one speaking for the city. Finally one mayor got up courage enough to appoint himself. We have been doing it since, and it has been much more satisfactory. It has made a much better representation on the board.

Now, the supervisor of the township is the administrative executive officer. Should you elect someone else to represent your township on the board of supervisors, or would you say the person who is elected—and we call him a supervisor—as an administrative officer should represent the township on the board?

CHAIRMAN BENTLEY: The lady yields to the gentleman from Pontiac, Mr. King, to reply.

MR. KING: I am perfectly happy, as long as somewhere, somehow, at some time these people are responsible to the citizens.

MISS ANDRUS: I mean, would you have 2 people elected? One is your township administrator, and then one to represent the people on this legislative body?

MR. KING: As a matter of personal opinion, I'm satisfied with the present system. My amendment does not touch in any way this present situation with regard to townships.

MISS ANDRUS: I thought that's what you meant. You elect somebody to be your county administrator, assessor and so forth, and then you will also represent the township on the board of supervisors. Now, in this matter of election of supervisors in the cities, would you expect that people who are elected or chosen by the city to be the mayor, to be the assessor, and to do things like that, would also serve on the board, or would we elect people especially to represent our city on the board?

MR. KING: Well, as long as they were elected mayor, then I would have no objection to their serving on the county board. But if you have an appointed assessor or an appointed city attorney, then I would object to that.

MISS ANDRUS: In other words, the township can have their assessor on, but the city couldn't unless they had them elected. Thank you.

MR. KING: Did you ask a question? Did you want a reply? Or did you just want to comment?

MISS ANDRUS: I thought you answered it. You said

if an assessor were elected, he would be on; but if he were appointed, he would not serve.

MR. KING: That's right. If the supervisor in the township is elected, he would also be eligible to serve on the county board.

MISS ANDRUS: But an assessor in the city would not, unless he were elected.

MR. KING: That's right.

MISS ANDRUS: Thank you.

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

MR. FARNSWORTH: Mr. Chairman, members of the committee, I only want to call your attention again to what you are endeavoring to do here, and I don't believe this was the intention of Mr. King when he made the amendment, but it has this practical effect, it has the effect of restricting every city charter in the state of Michigan. It is attempting to do something that the legislature in its wisdom has not seen fit to do in over 50 years. Now, do we want to do that?

Mr. Downs is concerned somewhat about the people really having a choice. Now, they have expressed that choice through adopting a city charter, and under that city charter they have in some cases said that we will elect these supervisors; in other cases they have said we will appoint them, for various reasons.

Again, I want to emphasize that what you are doing, if you vote this amendment in, is restricting the option that local people have to frame their charters. We urge a vote against it.

CHAIRMAN BENTLEY: Does the gentleman yield to the gentleman from Pontiac, Mr. King?

MR. FARNSWORTH: I yield to Mrs. Judd from Grand Rapids.

MRS. JUDD: Mr. Chairman, I would like to develop just a little further the point that Mr. Stevens was talking about. I think we've gotten away from our realization that we are talking about the 83 counties of Michigan under the present form of government. We are not talking about a new form of government under home rule, under which a county might undertake to become not merely the administrative arm of the state, but also carry on municipal functions with a policy making job ahead of it.

Now, when you get into that kind of power, that is when you do need a policy making body accountable to the people. But we are still talking about the county as it is today; chiefly, the administrative arm of the state. Consequently, the question of election is not as vital as it would become under the changes that may be suggested later.

When we drafted this about 2 months ago, the convention was in a mood to accept all of the old language in the constitution, so we thought this was going to be a cinch. But you can see there's a new mood in the convention, and this is part of our difficulty. May I yield to Mr. Elliott?

CHAIRMAN BENTLEY: The gentleman from Allegan still has the floor. Does he desire to yield to his chairman?

MR. FARNSWORTH: Mr. Chairman, I yielded the floor.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Nord, to speak on the King amendment.

MR. NORD: Mr. Chairman, my point has been made, and I will pass.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Madar, to speak on the King amendment.

MR. MADAR: Mr. Chairman, my remarks will be brief, because I think that part of my statement was given by Mr. Allen when he said that you can get better members of the board of supervisors when you appoint heads of departments and men who have had a lot of experience, as we have had them in the city of Detroit, than some of those that we have elected.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Rogers City, Mr. Radka, to speak on the King amendment.

MR. RADKA: Mr. Chairman, my remarks will be quite brief. I have heard it very wisely said that sometimes speakers are inclined to exhaust their audience before they exhaust

their subject. I would just like to say that I'm exhausted. (laughter)

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Bloomfield Hills, Mr. Woolfenden, to speak on the King amendment.

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. WOOLFENDEN: Can the committee of the whole operate without a quorum? If not, I ask that there be a count of the delegates.

CHAIRMAN BENTLEY: Are you making a point of order that no quorum is present, Mr. Woolfenden?

MR. WOOLFENDEN: I question whether there is a quorum present. I just counted a few moments ago, and there was less than a quorum.

CHAIRMAN BENTLEY: The Chair will count.

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. KUHN: It has always been my impression that when you're in the committee of the whole you don't need the quorum that you need when you're in convention. I would like you to rule on that.

SECRETARY CHASE: There are 83 members present.

CHAIRMAN BENTLEY: A quorum, 83 members, is present. The question is on the amendment offered by the gentleman from Pontiac, Mr. King, who is seeking recognition.

MR. KING: Mr. Chairman, I still think I had a right to withdraw this. I'm disappointed that we are bogging down on this issue, and I would just as soon fight it out under the home rule section. So I think I have a right to withdraw it under rule 46, even though you ruled me out of order before.

CHAIRMAN BENTLEY: Do you make a point of order against the Chair's previous ruling?

MR. KING: Yes, I do.

CHAIRMAN BENTLEY: The Chair will sustain your point of order. He was quoting from Mason's, but upon being advised that rule 46 permits the withdrawal without a request for objections, the amendment is withdrawn. (applause)

Are there any pending amendments to this section?

SECRETARY CHASE: That is the last amendment that has been filed to this section, Mr. Chairman.

CHAIRMAN BENTLEY: Without further amendment, this section will pass.

Section f is passed. Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I now move that the committee rise.

CHAIRMAN BENTLEY: The question is on the motion that the committee rise. All those in favor will respond by saying aye. Those opposed?

The committee has risen.

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

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, the committee of the whole has had under consideration certain items on the general orders calendar, of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 81**, A proposal pertaining to county government. It has considered a number of amendments relative thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President, on behalf of the committee on judicial branch, I ask unanimous consent to file with the secretary a committee amendment and the reasons therefor to Committee Proposal 96, so that it may be printed in the journal, with the explanation. The amendment is on the secretary's desk.

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

CHAIRMAN DeVRIES: The secretary will read the Sablich amendment.

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

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

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

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

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

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

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

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

The amendment is not adopted.

A DELEGATE: Division.

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

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

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

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

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

CHAIRMAN DeVRIES: The amendment is not adopted.

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

Committee Proposal 81, as amended, is passed.

Delegate Elliott.

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

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

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

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

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

CHAIRMAN DeVRIES: The secretary will read.

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

Following is Committee Proposal 82 as read by the secretary, and the reasons submitted in support thereof:

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

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

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

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

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

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

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

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

CHAIRMAN DeVRIES: Delegate Radka yields to Delegate Farnsworth.

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

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

CHAIRMAN DeVRIES: Are there any amendments to section a?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN DeVRIES: If not, it will pass.

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

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

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

The motion prevails and the committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

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

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

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

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

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

The amendment is agreed to.

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

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

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

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

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

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

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

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

Mr. President, I move the previous question.

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

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

The motion prevails and the previous question is ordered.

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

Mr. Ford.

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

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

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

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

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

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

Mr. Farnsworth.

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

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

The Chair is in doubt.

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

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

The roll was called and the delegates voted as follows:

Yeas—55

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

Brake	Hannah, J. A.	Norris	Erickson	Liberato	Sablich
Brown, G. E.	Hart, Miss	Pellow	Everett	Madar	Shanahan
Brown, T. S.	Hatch	Perlich	Faxon	Mahinske	Sharpe
Butler, Mrs.	Hatcher, Mrs.	Powell	Gover	Nord	Snyder
Conklin, Mrs.	Higgs	Richards, J. B.	Hatcher, Mrs.	Norris	Walker
Dehnke	Hodges	Rood	Hodges	Pellow	
Donnelly, Miss	Hood	Sablich			
Douglas	Hutchinson	Shanahan			
Downs	Iverson	Sharpe			
Elliott, Mrs. Daisy	King	Stafseth	Allen	Finch	Mosier
Erickson	Kuhn	Sterrett	Andrus, Miss	Follo	Murphy
Everett	Leibrand	Yeager	Anspach	Ford	Ostrow
Faxon	Leppien	Young	Austin	Garvin	Perras
Finch	Lesinski	Youngblood	Baginski	Goebel	Plank
Ford			Balcer	Gust	Powell
			Barthwell	Habermehl	Prettie
			Batchelor	Hanna, W. F.	Radka
			Beaman	Hannah, J. A.	Rajkovich
			Bentley	Hart, Miss	Richards, L. W.
			Blandford	Haskill	Romney
			Bonisteel	Hatch	Rood
			Boothby	Higgs	Seyferth
			Brake	Howes	Shackleton
			Brown, G. E.	Hoxie	Shaffer
			Brown, T. S.	Hubbs	Sleder
			Buback	Hutchinson	Spitler
			Conklin, Mrs.	Iverson	Stafseth
			Cudlip	Judd, Mrs.	Staiger
			Cushman, Mrs.	Karn	Sterrett
			Danhof	King	Stevens
			Davis	Knirk, B.	Stopczynski
			Dehnke	Krolkowski	Tubbs
			Dell	Kuhn	Turner
			DeVries	Lawrence	Tweedie
			Donnelly, Miss	Leibrand	Upton
			Douglas	Leppien	Van Dusen
			Downs	Lesinski	Wanger
			Durst	Lundgren	White
			Elliott, A. G.	Marshall	Woolfenden
			Elliott, Mrs. Daisy	McCauley	Yeager
			Farnsworth	McLogan	Young
			Figy	Millard	Youngblood

Nays—67

Nays—99

MR. DOWNS: Parliamentary inquiry, Mr. President. Is Mr. Ford's amendment in order now?

PRESIDENT NISBET: It will be as soon as this is finished.

MR. DOWNS: Thank you.

MR. FORD: Parliamentary inquiry. When you say when this is finished, does this mean that we now move to the recommendation of the committee of the whole rather than considering a possible amendment to it?

PRESIDENT NISBET: The recommendation of the committee of the whole, Mr. Ford, has been agreed to. We are now considering amendments to the committee proposal.

SECRETARY CHASE: On the adoption of the amendment proposed by Mr. Hanna, the yeas are 55; the nays are 67.

PRESIDENT NISBET: The amendment is not adopted. Are there further amendments?

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

1. Amend page 1, lines 14 through 19, by reinserting the stricken language, amended to read as follows: "When a city in any county has attained a population of 500,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of the county voting on the question shall determine in favor of organizing said city into a separate county."

PRESIDENT NISBET: The question is on the amendment of Mr. Madar. Those in favor of the amendment will say aye.

MR. MADAR: Mr. President, I'd like to have a roll call vote on this.

PRESIDENT NISBET: Is the demand seconded for a roll call vote? Sufficient number up. Those in favor of the Madar amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote will be recorded.

The roll was called and the delegates voted as follows:

Yeas—23

Binkowski	Hood	Perlich
Bledsoe	Kelsey	Richards, J. B.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Madar, the yeas are 23; the nays are 99.

PRESIDENT NISBET: The amendment is not adopted. There is one more amendment.

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

1. Amend page 2, line 12, after "supervisors" by striking out the comma and "consisting of 1 from each organized township,"; and in line 14, after "Cities" by inserting "and townships"; and in line 16, after "law" by changing the period to a colon and inserting "Provided however, That representation on such board shall be on a population basis with each board member representing an equal number of citizens."

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

MR. FORD: I think that this would now read—I don't have it written out here—that:

A board of supervisors shall be established in each county, with such powers as shall be prescribed by law. Cities and townships shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

And then I add the language which dictates that the law would have one factor in it and that is population. This was originally suggested by an amendment that Mrs. Cushman offered the other day. This would leave to the legislature entirely the question of how the members of the board of supervisors should be picked. The legislature could make it permissive on a county by county basis, if they wished; they could make one set of rules for Wayne county and one for the rest of the state, as they do now. But it lays clearly before us the question of whether or not you want to add the legislative body of the county picked on a population basis so that each person sitting on that board represents as nearly as possible an equal number of citizens of the county, whether they live in townships, cities or villages.

It was pointed out here the other day that there is some fear outstate that allowing a minimum of one person from a

township, or requiring a minimum of one representative from a township, plus population, might be disadvantageous to a place like Kalamazoo which feels that it doesn't have its fair voice on the board of supervisors. And I submit that if we got a straight population formula for the representation on the board of supervisors, we are recognizing a very fundamental principle that each citizen of the county is entitled to the same representation as every other citizen, regardless of where he lives in the county.

There is no way that either the cities or the villages can gain an unfair advantage on this because if the majority of the people in the county happen to live in cities, then it will follow that the majority of the representatives on the board of supervisors will be from the cities. If the majority do not live in the cities, then it should follow that the majority will be represented by a majority on the board not coming from the cities. And the single question involved here has nothing at all to do with the cities paying for the services of people living outside of the cities or anything of the kind. It lays squarely before this convention the question of whether we believe in one man, one vote when we are talking about the legislative body for a county.

PRESIDENT NISBET: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, I would like to again at this time take you through the little arithmetic lesson that we heard the other day. Mrs. Cushman clearly stated when she offered this in the committee of the whole that some townships had as little as 300 population. Now, that is true. So, one man, one vote. We must give those 300 people one supervisor. Bill is shaking his head no. What would you give them, 300?

MR. FORD: Nothing. We said straight population. It doesn't say anything about one representative from a township.

MR. FARNSWORTH: But I still say that you are going to have equal representation according to population; that you are going to give that smallest township at least one representative. You have to start with something. You will have to start with the smallest unit. The minute you do that, they have 300; then you have another city in that same county that has 3,000 population, I say you are going to have to give them 10 supervisors. And if you have another city in that county that has 30,000 people, I figure you are going to have to give them 100 supervisors. Mr. Ford, I don't see how you are going to do it any other way. You have to start somewhere. You have to start with a basic unit.

Again, I say to this convention: how many members do you want on your board of supervisors? I think it is just as simple as that and that we should vote down this Ford amendment.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: Mr. President, I request a recorded roll call vote and move the previous question.

PRESIDENT NISBET: Is there support for a roll call vote? Sufficient number up.

Is the demand seconded for the previous question? Sufficient number up. The question now is, shall the previous question be put? Those in favor will say aye. Opposed, no.

The previous question is ordered.

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

The roll was called and the delegates voted as follows:

Yeas—28

Binkowski	Hart, Miss	Norris
Bledsoe	Hatcher, Mrs.	Pellow
Brown, T. S.	Hodges	Perlich
Cushman, Mrs.	Hood	Sablich
Donnelly, Miss	Iverson	Snyder
Douglas	Mahinske	Stopczynski
Downs	Marshall	Walker
Elliott, Mrs. Daisy	Murphy	Yeager

Faxon
Ford

Allen
Andrus, Miss
Anspach
Austin
Baginski
Balcer
Barthwell
Batchelor
Beaman
Bentley
Blandford
Bonisteel
Boothby
Brake
Brown, G. E.
Buback
Butler, Mrs.
Conklin, Mrs.
Cudlip
Danhof
Davis
Dehnke
Dell
DeVries
Durst
Elliott, A. G.
Erickson
Everett
Farnsworth
Figy
Finch
Follo

Nord

Nays—96

Garvin
Goebel
Gover
Gust
Habermehl
Hanna, W. F.
Hannah, J. A.
Haskill
Hatch
Higgs
Howes
Hoxie
Hubbs
Hutchinson
Judd, Mrs.
Karn
Kelsey
King
Knirk, B.
Krolkowski
Kuhn
Lawrence
Leibrand
Leppien
Lesinski
Liberato
Lundgren
Madar
McCauley
McLogan
Millard
Mosier

Young

Ostrow
Perras
Plank
Powell
Prettie
Radka
Rajkovich
Richards, J. B.
Richards, L. W.
Romney
Rood
Seyferth
Shackleton
Shaffer
Shanahan
Sharpe
Sleder
Spitler
Stafseth
Staiger
Sterrett
Stevens
Tubbs
Turner
Tweedie
Upton
Van Dusen
Wanger
White
Wilkowski
Woelfenden
Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Ford, the yeas are 28; the nays are 96.

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

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend page 2, by striking out lines 12 through 16 and inserting:

"Sec. f. A board of supervisors, consisting of at least 1 from each organized township, and at least 1 from each city, may be established in each county, with such powers as shall be prescribed by law. The balance of the membership of the board of supervisors shall be selected upon a population basis as may be provided by law."

PRESIDENT NISBET: Mr. Kuhn.

MR. KUHN: Mr. President, my proposed amendment would not change the setup of our boards of supervisors as we know them today, except in 1 point, and that would be to allow our townships to be on an equal basis, based on population. We are not asking that we increase our boards of supervisors.

I'd like to make one response to what Mr. Farnsworth said. He said a township could have 300 and have to have a supervisor. That's what the constitution says today. But the legislature said that if a city has 300, they are entitled to 1 supervisor. In fact, if a city has 751 residents today, they are entitled to 2 supervisors. Therefore, we are not asking for anything except to be put on equal status with cities. It will be left up entirely to the legislature to set up the formula to increase boards of supervisors.

And since it is that simple, I would move the previous question and demand the yeas and nays.

PRESIDENT NISBET: Is there support for a roll call vote? Sufficient number up.

There has been a demand for the previous question. Is that demand seconded? Sufficient number up. The question now is, shall the previous question be put? All in favor say aye. Opposed, no.

The motion prevails and the previous question is ordered. The amendment will be read by Mr. Chase.

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

[The amendment was again read by the secretary. For text, see above, page 984.]

PRESIDENT NISBET: The question is on the amendment by Mr. Kuhn. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—49

Binkowski	Habermehl	Nord
Bledsoe	Hanna, W. F.	Norris
Boothby	Hart, Miss	Radka
Brake	Haskill	Richards, J. B.
Brown, G. E.	Hatch	Richards, L. W.
Brown, T. S.	Hatcher, Mrs.	Sablich
Butler, Mrs.	Higgs	Shanahan
Conklin, Mrs.	Hodges	Sharpe
Donnelly, Miss	Hood	Snyder
Downs	Hubbs	Stafseth
Elliott, Mrs. Daisy	Hutchinson	Sterrett
Erickson	Iverson	Stopczynski
Everett	Kuhn	Walker
Faxon	Lawrence	Yeager
Finch	Lesinski	Young
Ford	Murphy	Youngblood
Gover		

Nays—71

Allen	Follo	Perlich
Andrus, Miss	Garvin	Perras
Anspach	Goebel	Plank
Austin	Gust	Powell
Baginski	Howes	Prettie
Balcer	Hoxie	Rajkovich
Barthwell	Judd, Mrs.	Romney
Batchelor	Karn	Rood
Beaman	Kelsey	Seyferth
Bentley	King	Shackleton
Blandford	Knirk, B.	Shaffer
Bonisteel	Krolkowski	Sleder
Buback	Leibrand	Spitler
Cudlip	Leppien	Staiger
Cushman, Mrs.	Liberato	Stevens
Danhof	Lundgren	Tubbs
Davis	Madar	Turner
Dehnke	Mahinske	Tweedie
Dell	McCauley	Upton
DeVries	McLogan	Van Dusen
Durst	Millard	White
Elliott, A. G.	Mosier	Wilkowski
Farnsworth	Ostrow	Woolfenden
Figy	Pellow	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 49; the nays are 71.

PRESIDENT NISBET: The amendment is not adopted. There is one more amendment. The secretary will read.

SECRETARY CHASE: Messrs. Sablich, Pellow, Perlich and L. W. Richards offer the following amendment to Committee Proposal 81:

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

PRESIDENT NISBET: Mr. Sablich.

MR. SABLICH: No debate on this question, Mr. President. I just request a recorded roll call vote.

PRESIDENT NISBET: Is the demand for a roll call vote seconded? Sufficient number up. Those in favor of the amendment by Mr. Sablich will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—55

Andrus, Miss	Ford	Perlich
Anspach	Garvin	Perras
Austin	Goebel	Plank
Baginski	Hart, Miss	Radka
Balcer	Hatcher, Mrs.	Rajkovich
Barthwell	Hodges	Richards, J. B.
Batchelor	Hood	Richards, L. W.

Binkowski	Kelsey	Sablich
Bledsoe	Lawrence	Snyder
Bonisteel	Lesinski	Stafseth
Brown, T. S.	Liberato	Sterrett
Buback	Lundgren	Stopczynski
Butler, Mrs.	Madar	Tubbs
Dell	Mahinske	Walker
Douglas	Murphy	Wilkowski
Downs	Nord	Woolfenden
Elliott, Mrs. Daisy	Norris	Young
Faxon	Pellow	Youngblood
Follo		

Nays—65

Allen	Gust	Mosier
Beaman	Habermehl	Ostrow
Bentley	Hanna, W. F.	Powell
Blandford	Haskill	Prettie
Boothby	Hatch	Romney
Brake	Higgs	Rood
Brown, G. E.	Howes	Seyferth
Conklin, Mrs.	Hoxie	Shackleton
Cushman, Mrs.	Hubbs	Shaffer
Danhof	Hutchinson	Sharpe
Davis	Iverson	Sleder
Dehnke	Judd, Mrs.	Spitler
DeVries	Karn	Staiger
Donnelly, Miss	King	Stevens
Durst	Knirk, B.	Turner
Elliott, A. G.	Krolkowski	Tweedie
Erickson	Kuhn	Upton
Everett	Leibrand	Van Dusen
Farnsworth	Leppien	Wanger
Figy	McCauley	White
Finch	McLogan	Yeager
Gover	Millard	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Sablich, Pellow, Perlich and L. W. Richards, the yeas are 55; the nays are 65.

PRESIDENT NISBET: The amendment is not adopted.

SECRETARY CHASE: There are no further amendments on file, Mr. President.

PRESIDENT NISBET: If there are no further amendments, **Committee Proposal 81**, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 81 as amended and referred to the committee on style and drafting:

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

Sec. a. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law.

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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 accidental injuries received while in his custody. He shall not hold any other office except in connection with civil defense.

Sec. f. A board of supervisors, consisting of 1 from each organized township, shall be established in each

county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

Sec. g. The legislature may by general law confer upon the boards of supervisors of the several counties powers of a local, legislative and administrative character not inconsistent with the provisions of this constitution.

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

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

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

Sec. k. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein.

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

Sec. m. The board of supervisors of any county with a population of 1 million 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 registered voters voting thereon. All other counties may establish such merit systems as provided by law.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 82** and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

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

SECRETARY CHASE: Mr. DeVries offers **Resolution 70**, A resolution of the constitutional convention establishing a budget for post constitutional convention expenses.

Following is Resolution 70, as offered:

Whereas, It is necessary that the post convention commission meet on a regularly scheduled basis to formulate policy and make many decisions as to the disposition of the convention property and the printing and distribution of the official convention documents; and

Whereas, The commission will also be charged with informing Michigan's citizens of the work of the convention and a simplified explanation of the proposed document; and

Whereas, The commission will be assisted by an executive director who will supervise the administrative and housekeeping division, as well as coordinate all 3 divisions with the commission itself; and

Whereas, The executive director will supervise the renovation of the civic center in order that it may be returned in the same condition as leased and the disposition of convention property in a manner most beneficial to the state; and

Whereas, The other full time employees within the administrative and housekeeping division will be a secretary to both the executive director and the commission and a finance officer who will continue to handle the accounts of the convention and the commission; and

Whereas, The secretary's office will be in charge of preparing the official record and proceedings of the convention and the bound volumes of the daily action journal and the delegates' proposals, which record shall consist of a single convention record consisting of the verbatim proceedings, plus those portions of the daily action journal needed to make the record complete, will be prepared and 3,000 copies of this 3 volume work will be produced by letterpress printing. After distribution to delegates, colleges, universities, libraries, research centers, certain state officers and legislators, the remainder will be offered for public sale by the secretary of state. The 100 bound copies of the daily action journal and the 100 bound copies of the delegates' proposals will be distributed to libraries and research centers to make their records complete. The secretary's office estimates that it will take 3,000 man hours to prepare the convention proceedings for the printer. Bids will be accepted on the printing of the proceedings and other volumes; and

Whereas, The purpose of all post convention public information activities will be to prepare and distribute, through all possible media of communications, objective, factual data, of a purely informational character, on all aspects of the constitutional convention. This data will be prepared solely from the official convention record and the committee reports; and

Whereas, It is anticipated that the public information division's activities will embrace the following:

1. The preparation and distribution of 1 million copies of the 80 page official address to the people on the work of the convention;

2. The preparation and distribution of informational bulletins to all press media, interested civic groups, educational institutions, etc.;

3. The production of tape recorded informational bulletins to radio stations;

4. The production of suitable artwork, graphs, charts and other visual aids, to illustrate topics dealt with in informational bulletins;

5. Distribution of the documentary film on the work of the constitutional convention;

6. Assistance to working press members in preparing material on the constitutional convention;

7. Assistance to television stations in producing educational programs on the constitutional convention;

8. Fulfilling all requests for informational data from groups and private citizens; and

9. Providing all other necessary services of an informational character; now therefore be it

Resolved, That the convention adopt the following post constitutional convention commission budget:

For text of budget included as part of proposed Resolution 70, see below, page 1166.

PRESIDENT NISBET: Without objection, it will be referred to the committee on administration.

SECRETARY CHASE: I have the following announcements:

The committee on rules and resolutions will meet tomorrow morning at 8:00 a.m. in room I. (laughter) Richard Van Dusen, chairman.

The committee on administration will meet tomorrow at 1:30 in the conference room. The subject will be the post convention budget. Walter DeVries, chairman.

Mr. Bentley requests leave of absence from the morning and afternoon sessions of Thursday, February 15.

PRESIDENT NISBET: Without objection, he will be excused.

MR. HUTCHINSON: Mr. President, my recollection is that a motion was made sometime last week that, starting tomorrow in committee of the whole, we would take up the executive article. Is that the present understanding?

PRESIDENT NISBET: Is it, Mr. Van Dusen?

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.

ONE HUNDRED TWENTY-THIRD DAY

Tuesday, April 17, 1962, 9:00 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please **come to order.**

Our **invocation** today will be given by the Reverend Duane Vore, superintendent, Michigan congregational conference, East Lansing. Will you please rise.

REVEREND VORE: Let us pray. Eternal God whose spirit moves in each of us that we may better understand ourselves and come to a better understanding of each other, grant to us in this day vision and courage to accept ourselves and each other in such a way that we shall build better under Thy guidance the ways in which men shall live.

It is not always easy to be patient; grant us Thy patience. It is not always easy to be firm without being stubborn, but grant us Thy firmness. It is not always easy to love, yet under Thy guidance and with Thy help, we shall not only love each other but shall like each other and in the liking discover the way that shall bind us one to another and unto Thee. Grant us Thy guidance and Thy care. We ask in Christ's name. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. Those present please vote aye. Have you all recorded your attendance? If so, the secretary will lock the machine.

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

Prior to today's session, the secretary received the following requests for leave: Mrs. Conklin called in; she is not feeling too well and would like to be excused; and Mr. Marshall is ill and wishes to be excused indefinitely.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Mr. Bonisteel, Mrs. Conklin, Messrs. Cudlip, Ford, Greene, Marshall, McAllister, Page, Fellow and Tubbs.

Absent without leave: Messrs. Dade, Habermehl, Mrs. Hatcher and Mr. Murphy.

PRESIDENT NISBET: Without objection, the delegates are excused.

MRS. CUSHMAN: Objection.

PRESIDENT NISBET: There is objection. Those who are unexcused will remain unexcused. Mr. Kuhn.

MR. KUHN: I move that those who are absent be excused.

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

The motion prevails. Those absent are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Mrs. Hatcher, Mrs. Conklin, Messrs. Dade, Murphy, Habermehl and McAllister.]

We are very happy this morning to welcome back Martin Baginski, who has been gone for some time with illness. Martin, we are glad to have you back. (applause)

Just for your information and so as to make the work of recording votes a little easier, Mr. Jones and Mr. Bradley very kindly consented to change their seats; so their acquaintance will be broadened in the area.

Reports of standing committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: No communications.

PRESIDENT NISBET: **Second reading of proposals.**

SECRETARY CHASE: Item 1 on the calendar, on second reading, **Committee Proposal 81**, A proposal pertaining to

county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.

Following is Committee Proposal 81 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 985.):

Sec. a. Each organized county shall be a body corporate[,] with [such] powers and immunities [as shall be established] PRESCRIBED by law.

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer[, judge of probate] and register of deeds shall hold their PRINCIPAL offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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 [accidental] UNINTENTIONAL injuries received while in his custody. He shall not hold any other office except in connection with civil defense.

Sec. f. A board of supervisors[, consisting of 1 from each organized township, shall be established in each county, with such powers] SHALL BE ESTABLISHED IN EACH COUNTY CONSISTING OF ONE MEMBER FROM EACH ORGANIZED TOWNSHIP AND SUCH REPRESENTATION FROM CITIES as shall be prescribed by law. [Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.]

Sec. g. The [legislature may by general law confer upon the] boards of supervisors [of the several counties] SHALL HAVE SUCH powers AND DUTIES [of a local, legislative and administrative character] AS PROVIDED BY LAW not inconsistent with [the provisions of] this constitution.

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

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

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

Sec. k. No navigable stream of this state shall be [either] bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem

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

best suited to safeguard the rights and interests of the county and the municipalities therein.

Sec. l. The board of supervisors of each organized county may organize and consolidate townships under [such] restrictions and limitations [as shall be] prescribed by law.

Sec. m. The board of supervisors of any county with a population of [1 million] 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 [registered voters] ELECTORS voting thereon. All other counties may establish [such] merit systems as provided by law.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 81. The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, I yield to Mrs. Judd to offer an amendment to Committee Proposal 81.

PRESIDENT NISBET: The Chair recognizes Mrs. Judd.

MRS. JUDD: Mr. President, I believe the amendment is on the secretary's desk.

PRESIDENT NISBET: The secretary will read it.

SECRETARY CHASE: Mrs. Judd offers the following amendment:

1. Amend page 3, line 4, [section m] after "thereon," by striking out "All other counties may establish merit systems as provided by law."

MRS. JUDD: Mr. President and members of the convention, later on, under the executive branch, a provision was adopted by this convention providing for the very thing that is indicated in this last sentence. Our committee, therefore, feels that that does cover this and so, on recommendation of the committee on style and drafting, we would like to delete the last sentence. I believe that style and drafting also was interested in deleting all of the section, but we feel that until we know what the convention will do with Committee Proposal 76, we want to keep the first part of this and delete only the last sentence.

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

The amendment is adopted.

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 1, line 6, [section b] after "shall so decide" by inserting a comma and "except that the legislature may by general law provide for the consolidation of counties".

PRESIDENT NISBET: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, the members of the committee may remember that I asked the committee on local government a question about this during its progress through committee of the whole. I did not get a satisfactory answer and I find nothing in the proposal which on a permissive basis would look in the direction of the consolidation of counties.

It seems to me clearly the wave of the future is toward the elimination of some of our units of local government and their consolidation and strengthening. Otherwise, I do not see how they can carry on the tasks which confront them.

Since there is some doubt in my mind—I understand that there is different advice from research and drafting, and I had other advice from other people—I am myself in doubt as to whether the legislature without this addition which I have presented would have the power to take care of the matter I have in mind. It seems to me, in any case, to have this clause in the constitution indicates that members of this convention at any rate had in mind that consolidation of some sort should be within the power of the legislature to enact. A good many states have already moved in this general direction although, generally speaking, little progress has been made in the consolidation of counties. There has been some consolidation of cities and counties. There has been some slight consolidation of townships. There has been a good deal of consolidation of school districts. I just want to be sure, Mr.

President, that this power is possessed by the legislature, which by general law can regulate the matter in a satisfactory way.

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, I will yield to Mrs. Judd.

PRESIDENT NISBET: Mr. Elliott yields to Mrs. Judd.

MRS. JUDD: Yes, Mr. President, I, too, would want to be very sure that the possibility of consolidating counties or consolidating townships in the future was not prohibited in the constitution. I did confer with Dr. Joiner on this and he felt that since it was not specifically prohibited that the power still lay with the legislature to achieve this. I would want to feel that if the convention votes this down, it votes it down not as an indication of opposition to consolidation but, rather, on the assumption that it is presently possible in the constitution as this provision is now worded.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I, rising as a member of style and drafting, would inquire whether Dr. Pollock might better have moved to strike the section, section b, because, if we put this language at the end of section b, we nullify the rest of it. Section b says, "No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed. . . ." Now, then, by the consolidation of counties, why, you do reduce a county to less than the 16, and it says that that may be done only by a vote of the majority of the electors. And then Dr. Pollock's amendment would go on to say that the legislature may provide for it by general law. What you might better do is strike section b and then the legislature will have that power without any doubt at all.

PRESIDENT NISBET: The question is on the amendment of Dr. Pollock. Dr. Pollock.

MR. POLLOCK: Mr. President, it was because of the legal doubt about this—when lawyers disagree, you have to go ahead on your own, which is exactly what I have done. I follow the reasoning of Mr. Hutchinson and the main point is to make sure that the legislature does have that power and will be able to act in this important field. I think his constitutional advice is the best and, with the permission of the convention, I should then like to move to strike section b in place of having the additional clause. It is the sentence that precedes my proposed amendment that gave me considerable doubt. I think Mr. Hutchinson's reasoning is very sound. If the convention will permit me, I should be glad to revise my amendment, to strike section b.

SECRETARY CHASE: Mr. Pollock revises his amendment to read:

1. Amend page 1, by striking out all of section b, lines 3 through 6, inclusive.

PRESIDENT NISBET: The Chair recognizes the chairman of the committee, Mr. Elliott.

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

PRESIDENT NISBET: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I think we should read very carefully section b and go on down and point out very clearly that this is not a prohibition against consolidation of counties to less than 16 townships—"unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide."

Now, the question is: are you going to turn it over to somebody other than the people who are affected? This simply provides that if and when it is done, the local people will by their vote indicate that they are in agreement. Now if you believe in home rule and if you believe in keeping government close to the people, then you let the committee proposal stand as it is in section b. I think I can say on behalf of the committee that we do not want this disturbed.

PRESIDENT NISBET: Mr. Leibrand.

MR. LEIBRAND: Mr. President, Mr. Farnsworth has said what I was about to say. I am opposed to any amendment that would take the home rule right away from the counties affected.

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

The amendment is not adopted.

SECRETARY CHASE: Mr. King offers the following amendment:

1. Amend page 2, line 1, [section f] after "such" by inserting "elected"; so that going back to the beginning of the section on page 1, the language will read:

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

PRESIDENT NISBET: The Chair recognizes Mr. King.

MR. KING: Mr. President and fellow delegates, as you may recall, I introduced this amendment on first reading, but withdrew it after considerable debate without the question ever being put to a vote. At that time I made the comment that if we got the type of self effecting home rule which I thought was essential to strong county government that I would at that time be willing to withdraw any objection I had to the standard county form and carry on this kind of a fight in my home county of Oakland.

I am not satisfied entirely—although we have made great progress in the area of home rule—I am not entirely satisfied that the legislature would write in such a provision or would even permit an elected county board of supervisors. I have had an opportunity to talk to many supervisors in my home county, many of whom are appointed. In fact, 75 per cent of the supervisors, approximately, in Oakland county are appointed. But as far as I am concerned, the board of supervisors is a legislative body. I don't want any appointed congressmen, any appointed senators, any appointed legislators, and I don't want any appointed supervisors. This is a policy making body and not an administrative board. So for that reason I have reintroduced my amendment with the hope that this time it will go to a vote. I hope the delegates here assembled will agree that it is essential that we have elected representation on the county board of supervisors. Otherwise, we can hardly complain if they are not responsive to the needs and desires of the people of the county. So without further comment I will offer my amendment at this time and hope that it will be favorably considered.

PRESIDENT NISBET: The Chair recognizes Mr. Allen.

MR. ALLEN: Mr. President, I would oppose the King amendment for the same reasons that we went through before. I think most of us understand and, certainly, we ought to remember that the charters of most of our cities do provide that some nonelected members are members of the board of supervisors. Very commonly the charter provides that the city attorney is a member. Very commonly it provides that the city assessor is a member. Occasionally a city manager, although that is much less frequent, is automatically a member.

Now what we do if we make the change proposed by Mr. King is, we change the city charters and, in addition to that, it has been the experience, and I have found it personally to be true, that these technical experts are among the best members of the board of supervisors. Your city assessor is particularly valuable on matters of county equalization and any matters pertaining to taxation. The city attorney is a good expert in the legal field. Therefore, I don't think we should do it.

Now, outside of Detroit you will find that very few members of the board of supervisors are not some way or other elected. For example, in my city, the city commissioners are elected by the people and then, by virtue of office, go on the board of supervisors. But we do have, in addition to our 7 city commissioners, an appointed assessor and an appointed city attorney. The city commission has the right to put the city manager on. So this is the minority that we are dealing with outstate and I think it would be unwise to say that they must be elected. I also know that there are some cities in Michigan which have not had as good an experience as they would like with having entirely elected representation and have proposed in their charters to go to some appointments. Therefore, I think we tie up home rule

too much. Now we just voted in favor of real home rule in our preceding vote. I think we should be consistent and stick with home rule and let cities make this determination and defeat the King amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. President, ladies and gentlemen of the convention, I would simply like to answer Mr. Allen and say that because these people that he referred to are not elected, are not eligible for election to the board of supervisors, does not necessarily deprive that body of their services or advice.

Mr. President, I would like to request the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been requested. Is the demand seconded? Sufficient number up. The question is upon the amendment of Mr. King. Those in favor will vote aye. Those opposed will vote no.

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

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Is a comment in order?

PRESIDENT NISBET: The convention will be in order.

MR. A. G. ELLIOTT: Is a comment in order at this time?

PRESIDENT NISBET: You may make it.

MR. A. G. ELLIOTT: I would merely want to reiterate—

MR. KING: Point of order, Mr. President. Mr. President, I raise a point of order. The yeas and nays have been called for. I do not think a comment is in order.

PRESIDENT NISBET: You are correct. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—57

Austin	Hanna, W. F.	Nord
Binkowski	Hannah, J. A.	Norris
Bledsoe	Hart, Miss	Perlich
Boothby	Haskill	Plank
Bradley	Higgs	Pollock
Brake	Hodges	Powell
Butler, Mrs.	Hood	Pugsley
Dehnke	Hubbs	Radka
Donnelly, Miss	Hutchinson	Richards, J. B.
Doty, Dean	Iverson	Rush
Doty, Donald	Jones	Shanahan
Douglas	King	Sharpe
Downs	Kirk, S.	Stafseth
Elliott, Mrs. Daisy	Knirk, B.	Stamm
Faxon	Koeze, Mrs.	Sterrett
Finch	Kuhn	Walker
Follo	Lawrence	Wood
Garvin	Lesinski	Woolfenden
Gover	Liberato	Yeager

Nays—71

Allen	Gust	Richards, L. W.
Andrus, Miss	Hatch	Romney
Anspach	Heideman	Rood
Baginski	Howes	Sablich
Balcer	Hoxie	Seyferth
Barthwell	Judd, Mrs.	Shackleton
Batchelor	Karn	Shaffer
Beaman	Kelsey	Sleder
Bentley	Krollkowski	Snyder
Blandford	Leibrand	Spitler
Brown, G. E.	Leppien	Staiger
Buback	Madar	Stevens
Cushman, Mrs.	Mahinske	Stopczynski
Danhof	Martin	Suzore
Dell	McCauley	Turner
DeVries	McGowan, Miss	Tweedie
Durst	McLogan	Upton
Elliott, A. G.	Millard	Van Dusen
Erickson	Mosier	Wanger
Everett	Nisbet	White
Farnsworth	Ostrow	Wilkowski
Figy	Perras	Young
Gadola	Prettie	Youngblood
Goebel	Rajkovich	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. King, the yeas are 57; the nays are 71.

PRESIDENT NISBET: The amendment is not adopted.

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

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I am glad that remark was not necessary. What I really would like to say before we get too far along is to make it perfectly clear that, in my concept of the committee's approach to this matter of consolidation in section b, the defeat of the Pollock amendment in no way was a defeat of this concept. It is our judgment that the language is necessary here and the striking of it would not have performed the service that we wanted done, but that consolidation is available to the counties and to the state under the interpretation by law.

PRESIDENT NISBET: The secretary will read the next amendment.

SECRETARY CHASE: Mr. William Hanna offers the following amendment:

1. Amend page 1, line 20, after "Sec. f.", by striking out the balance of the section and inserting "A board of supervisors shall be established in each county with such representation from each township and city as shall be prescribed by law."; and on page 2, line 24, after "Sec. l.", by striking out the balance of the section and inserting "Townships shall be arranged, consolidated and dissolved as provided by law.".

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, the first part of the amendment, according to section f, simply says that the board of supervisors shall have such representation as shall be provided by law from each township and city.

Now the reason for offering this amendment is twofold: first, it is to allow the legislature to work out an equitable system based upon population or other factors of giving townships and cities representation on the board of supervisors that will be more equal than is possible under the present situation which limits each township to one and leaves to the legislature the discretion only as to the cities. The second reason for the amendment to section f is this: if you believe some of the interpretations placed upon the Tennessee case concerning representation on legislative bodies, then every board of supervisors, as now constituted in the states of New York, Pennsylvania, the northern half of Illinois, and Michigan — and probably Wisconsin — is unconstitutional or illegal. And if so, then we ought to leave to the legislature the power to solve this dilemma without freezing in the constitution something that would tie their hands. For these 2 reasons, I urge the adoption of the amendment which leaves the representation on the board of supervisors for both townships and cities with the legislature as distinguished from the present proposal.

With regard to section l concerning the consolidation and dissolution of townships, I merely ask that you apply the same home rule procedure by allowing townships to be consolidated or dissolved as provided by law so that the voters within a given township or 2 adjoining townships could, if the legislature so provided, consolidate their townships. You will never effectuate the consolidation of townships through a board of supervisors, but I am sure that in my own county you could consolidate several of the townships if the people of each township could consolidate as provided by law.

I urge these 2 amendments to strengthen, over the long future, local government; and it is only by strengthening local government that we preserve it.

MR. HIGGS: Mr. President.

PRESIDENT NISBET: Mr. Higgs.

MR. HIGGS: I would like to make a parliamentary inquiry, if I may. On second reading, it is my understanding that we must have 73 votes to approve any section. Would this also apply to the amendments? It would seem to me that if we make amendments with a simple majority, this — depending on the number of amendments made — may be detrimental to the final passage which requires 73.

PRESIDENT NISBET: In response to your inquiry, Mr. Higgs, it does not require 73 votes for an amendment. It only requires 73 votes for the final passage of the proposal itself.

Incidentally, the Chair might say to the people on this side of the room that the bulb in their projector is burned out and they are working to get another one now and will have it as soon as possible. The Chair recognizes Mr. Finch.

MR. FINCH: Mr. President, I wasn't following the conversation too closely, but could we divide the question on this? They are 2 separate amendments. I would ask that it be divided.

PRESIDENT NISBET: All right. Without objection, we will discuss the first part of the amendment.

[The first part of the amendment reads as follows:

1. Amend page 1, line 20, after "Sec. f.", by striking out the balance of the section and inserting "A board of supervisors shall be established in each county with such representation from each township and city as shall be prescribed by law.".]

MR. FINCH: I would just like to say, I like the first half but not the last half.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: May I ask Mr. Hanna a question? I am not sure, Mr. Hanna, whether your amendment would guarantee to each township and city one supervisor or whether you may be talking in a collective capacity. I would read it that it would guarantee one to each. Am I right or wrong?

MR. W. F. HANNA: Mr. President, Mr. Allen, I do not intend it to be a guarantee of one to each township, as a constitutional guarantee, for the reason that that may be impossible if you apply the broad language of the Tennessee case to the county board of supervisors. I would assume, however, that unless the courts force the legislature to do otherwise, they certainly would start with the premise that each unit of government had at least one on the board of supervisors. But I do not intend a constitutional requirement that each township have one, because this may run into the constitutional prohibition as interpreted by the courts.

PRESIDENT NISBET: The Chair recognizes Mr. Faxon.

MR. FAXON: I would like to request the yeas and nays on the amendment.

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

MR. KUHN: Mr. President and members of the convention, I am in favor of this amendment of Mr. Hanna's. I see where there is a possibility, but it is very slim, that the legislature would not see fit to give each township the one member of the board of supervisors it has today. To me, this would be a fair solution and I am willing to go along with this. It is incredible today that certain townships as high as 50,000 in population only have one member on the board of supervisors and I therefore urge the support of this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I rise in opposition to this Hanna amendment for these reasons: I believe that there has been a lot of work and research done on this by the committee and by style and drafting and I think it is sound. I think that the way the amendment is worded, unless I have the wrong impression, it would be giving the legislature a little bit too much power to eliminate the rights of the rural people to elect their township or county officials. Now I am just being suspicious about this because as your population grows, your representation is coming more from the metropolitan areas and I think it would be a gross injustice to the rural communities if we let this pass.

PRESIDENT NISBET: The Chair recognizes Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, this, of course, should be recognized for what it is. It is another attempt, as was made in committee of the whole, to undo what the committee on local government spent many, many weeks formulating.

Now I would submit to you that the Hanna amendment, in the first instance, guarantees nothing to anybody. I do believe it says "supervisors," so you could conceivably have 2.

The legislature could go all the way down to that. This does not guarantee a thing to the townships. It guarantees nothing to the cities. Now the height of folly is in injecting this Tennessee court decision into the thing. Bill Hanna is a lawyer. He knows very well that it has not the remotest connection with it. It just has absolutely no connection with it at all. And I would remind you, Mr. Hanna, that I have an honorary degree in your fraternity. (laughter)

Now we recognize that there are townships, there are some few townships that do have high population. We know exactly which ones they are. They were studied in local government. We know that on a population basis they are not equal on the board of supervisors with some other townships, but we say to you that they are in the minority, very definitely in the minority. We say to you, Mr. Hanna, that at any time if the legislature feels there is a disproportionate representation on the board of supervisors between the townships and the cities that all you have to do is to go to the legislature and say to them: this formula for providing supervisors from cities is not fair and you should change it. And you can change it in any session of the legislature that you have enough votes there to change it. So there is your remedy.

Now this particular township that you feel is so under represented — you said it had 50,000 people in it — there is nothing to keep them from going into the city status at the present time and getting a larger share on the board of supervisors if they wish. I am sometimes confused that the people who are so intent on getting an absolute population basis on a board of supervisors are the very same people that would like to keep the senate of the state of Michigan on an area basis. Let us be consistent.

The committee is opposed to any change in section f. They are also opposed to any change in section l. On section l, Mr. Hanna says that he thinks that 3 of his townships should get together. I say to you, Mr. Hanna, under the committee proposal they could get together. There isn't any reason why they couldn't. Sure, they have got to have the approval of the board of supervisors, but are you telling me that if they agree that they want to consolidate and 3 of them become 1 that the board of supervisors would not go along with them? I am sure they would. There is no problem there. All you have to do is follow the committee report.

PRESIDENT NISBET: The Chair recognizes Mr. Madar.

MR. MADAR: Mr. President, I will pass. Mr. Farnsworth has done very, very well.

PRESIDENT NISBET: The Chair will recognize Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, members of the convention, the only thing I have to say is that I do not interpret the language as Mr. Hanna does or as has been suggested by Mr. Allen. I believe that saying the words "such representation from each township and city" contemplates that there will be representation from each township and city. Therefore, a yea vote by me on this proposition does not mean that townships could be precluded from representation and I assume that a yea vote will therefore carry the interpretation which I have just set forth.

PRESIDENT NISBET: The Chair recognizes Mr. Follo.

MR. FOLLO: I don't wish to take much time on this, Mr. President, but I would like to take just enough time to say again what I said here once before, that there are certain counties — I think Delta certainly is one of them and I think Grand Traverse is another, if I am not mistaken; I think Mr. Sleder said the same thing — where you have one larger city, maybe 2, as in Delta county, which are outnumbered now by the townships. We have 2/3 of the population in Escanaba and Gladstone, but we have less than 1/2 of the number on the board of supervisors and we are constantly outvoted by them. This would throw this further out of balance. Therefore, I oppose this amendment.

PRESIDENT NISBET: The yeas and nays have been demanded. Those in favor of the —

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

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I would just like to urge all com-

mittee members to defeat both of these amendments that have been thoroughly discussed both in our committee and in committee of the whole and then again in the committee meetings we have had since we have passed first reading. I am sure that they do not protect the townships the way the townships wish to be protected.

PRESIDENT NISBET: Mr. Hodges has an amendment to the amendment.

SECRETARY CHASE: Mr. Hodges offers the following amendment to the amendment offered by Mr. William Hanna:

1. Amend the amendment, after "city" by inserting "on population"; so the language will then read, "A board of supervisors shall be established in each county with such representation from each township and city on population as shall be prescribed by law."

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: Mr. President, I am somewhat sympathetic with the amendment. I think that some case can be made for the townships being under represented but, in the same vein, many cities outstate, I understand — and this is not a problem in the city of Detroit; we do have equitable representation on the Wayne county board of supervisors — are vastly under represented. I think that if we should take care of this problem for one, it should be for all. I think that this is the real basis of representation, anyway, and I request support of the amendment.

PRESIDENT NISBET: The question is on the amendment of Mr. Hodges. Mrs. Judd.

MRS. JUDD: Mr. President, I just want to remind the convention that we went 'round and 'round and 'round on this in committee of the whole and found, just as we had in our committee, that every county has a different problem, that it is impossible to set up specifications in the constitution that would suit them all, and that our provision for county home rule does make it possible for counties that want to change this, if the legislature acts, to do so. And this is the reason that we decided, both in committee and in committee of the whole, not to try to tamper with this provision.

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

The amendment to the amendment is not adopted. The question is now on the Hanna amendment. The yeas and nays have been demanded. Those in favor of the amendment of Mr. Hanna will vote aye. Those opposed will vote nay.

MR. G. E. BROWN: Mr. President, would you make it clear as to which part of this amendment we are now voting on?

PRESIDENT NISBET: You are voting on the first part of the Hanna amendment. Mr. Chase, will you read it, please?

SECRETARY CHASE: The first part of the amendment is:

[The amendment was read by the secretary. For text, see above, page 2508.]

PRESIDENT NISBET: The question is on the first part of the Hanna amendment. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—36		
Anspach	Erickson	Kuhn
Austin	Everett	Lawrence
Bledsoe	Faxon	Murphy
Boothby	Finch	Nord
Bradley	Garvin	Norris
Brake	Hanna, W. F.	Shanahan
Brown, G. E.	Hart, Miss	Sharpe
DeVries	Hatch	Spitler
Doty, Dean	Higgs	Stafoeth
Doty, Donald	Hutchinson	Staiger
Downs	King	Walker
Elliott, Mrs. Daisy	Krolkowski	Yeager

Nays—85

Allen	Hoxie	Rajkovich
Andrus, Miss	Iverson	Richards, J. B.

Baginski	Jones	Richards, L. W.	Brown, G. E.	Kirk, S.	Shanahan
Balcer	Judd, Mrs.	Rood	Buback	Knirk, B.	Sharpe
Batchelor	Karn	Rush	Butler, Mrs.	Koeze, Mrs.	Sleder
Beaman	Kelsey	Sablich	Dade	Kuhn	Snyder
Bentley	Kirk, S.	Seyferth	Dehnke	Lawrence	Stevens
Blandford	Knirk, B.	Shackleton	Doty, Donald	Leibbrand	Stopczynski
Buback	Koeze, Mrs.	Shaffer	Douglas	Leppien	Suzore
Butler, Mrs.	Leibbrand	Sleder	Elliott, A. G.	Madar	Thomson
Cushman, Mrs.	Leppien	Snyder	Erickson	Martin	Turner
Dade	Lesinski	Stamm	Farnsworth	McCauley	Tweedie
Danhof	Madar	Sterrett	Figy	McGowan, Miss	Upton
Dehnke	Martin	Stevens	Finch	Millard	Van Dusen
Donnelly, Miss	McCauley	Stopczynski	Gadola	Mosier	Walker
Durst	McGowan, Miss	Suzore	Goebel	Nisbet	Wanger
Elliott, A. G.	McLogan	Thomson	Gover	Perlich	White
Farnsworth	Millard	Turner	Gust	Perras	Wilkowski
Figy	Mosier	Tweedie	Hannah, J. A.	Plank	Wood
Follo	Nisbet	Upton	Haskill	Powell	Woolfenden
Gadola	Ostrow	Van Dusen	Hatch	Prettie	Young
Goebel	Perlich	Wanger	Hatcher, Mrs.	Pugsley	Youngblood
Gover	Perras	White			
Haskill	Plank	Wilkowski			
Hatcher, Mrs.	Powell	Wood			
Heideman	Prettie	Woolfenden			
Hodges	Pugsley	Young			
Hood	Radka	Youngblood			
Howes					

SECRETARY CHASE: On the adoption of the first part of the amendment of Mr. William Hanna, to section f, the yeas are 36; the nays are 85.

PRESIDENT NISBET: The first part of the amendment is not adopted. The question is on the second part of the Hanna amendment. Those in favor will vote aye. Those opposed will vote no. Well, that wasn't very good. The second part of the Hanna amendment will be read by the secretary.

MR. FAXON: We were supposed to have the yeas and nays on this amendment.

PRESIDENT NISBET: You asked for the yeas and nays on the first part. Do you want the yeas and nays on the second part, too?

MR. FAXON: Yes, Mr. President.

PRESIDENT NISBET: Is that demand seconded? Okay. The secretary will read the second part of the Hanna amendment.

SECRETARY CHASE: The second part of the Hanna amendment:

1. Amend page 2, line 24, after "Sec. 1.", by striking out the balance of the section and inserting "Townships shall be arranged, consolidated and dissolved as provided by law."

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

The roll was called and the delegates voted as follows:

Yeas—42		
Allen	Elliott, Mrs. Daisy	Lesinski
Andrus, Miss	Everett	McLogan
Anspach	Faxon	Murphy
Austin	Follo	Nord
Barthwell	Garvin	Norris
Bledsoe	Hanna, W. F.	Ostrow
Bradley	Hart, Miss	Rajkovich
Cushman, Mrs.	Higgs	Sablich
Danhof	Hodges	Spitler
DeVries	Hood	Stafseth
Donnelly, Miss	Jones	Staiger
Doty, Dean	Kelsey	Stamm
Downs	King	Sterrett
Durst	Krolikowski	Yeager
Nays—84		
Baginski	Heideman	Radka
Balcer	Howes	Richards, J. B.
Beaman	Hoxie	Richards, L. W.
Bentley	Hubbs	Rood
Binkowski	Hutchinson	Rush
Blandford	Iverson	Seyferth
Boothby	Judd, Mrs.	Shackleton
Brake	Karn	Shaffer

SECRETARY CHASE: On the adoption of the second part of the amendment offered by Mr. William Hanna, to section l, the yeas are 42; the nays are 84.

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

SECRETARY CHASE: Mr. Downs offers the following amendment:

1. Amend page 3, after line 5, by adding a new section n to read as follows:

"Sec. n. Two or more counties may combine into a single county provided a majority of the voters of each county approve such combination and the counties are contiguous."

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand seconded? A sufficient number up. Mr. Downs.

MR. DOWNS: This provision very simply adds a separate section to stand all by itself to make it clearly possible that counties could combine if the voters of each county approved such combination. Now I think this states it in its simplest terms. It is clear cut language. And it is, of course, optional under this with the voters of each county. It retains the power in the people for such an important problem as consolidation. I urge its support.

PRESIDENT NISBET: Mr. Perras.

MR. PERRAS: A question through the Chair to Mr. Downs, Mr. President.

PRESIDENT NISBET: If Mr. Downs cares to answer. Mr. Downs, a question to you, if you care to answer.

MR. DOWNS: Yes.

MR. PERRAS: Mr. Downs, by this wording now, would it be possible for one—would this have to be the majority of each county? In other words, if one county turned it down, the larger county wouldn't be able to annex a smaller county by having a larger vote?

MR. DOWNS: That is the intent, Delegate Perras. The language is "a majority of the voters of each county" voting thereon. If it would make it more clear, we could add the words "voting separately." It is clear enough to me this way.

MR. PERRAS: I would like that. Otherwise, I would not vote for it.

MR. DOWNS: I would, then, if it is agreeable with the delegates, insert the words "voting separately" after the term "each county" to make it absolutely clear. I don't think that addition is needed, but if it will strengthen the amendment I will be glad to add that.

SECRETARY CHASE: Mr. Downs revises his amendment so that it will read:

1. Amend page 3, after line 5, by adding a new section n to read as follows:

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

PRESIDENT NISBET: The Chair recognizes Mr. King.

MR. KING: Mr. President, I would like to direct a question to Mr. Downs.

PRESIDENT NISBET: If Mr. Downs cares to answer.

MR. KING: Mr. Downs, do you mean a majority of the voters voting on the question?

MR. DOWNS: Now that's a good question, Delegate King. I hadn't thought of it until now. Just bear with me a minute. I would assume that we could say—if you want to add it—I would assume it would mean a majority of the voters voting on the question, yes.

MR. KING: I would like to have you add it, and then if style and drafting thinks it is not necessary, they could take it out. I think perhaps it is necessary.

MR. DOWNS: Mr. President, if it is agreeable, after the word "voters" I would insert the words "voting on the question."

SECRETARY CHASE: Mr. Downs further revises his amendment so that it now reads:

1. Amend page 3, after line 5, by adding a new section n to read as follows:

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

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, our committee, I am sure, has absolutely no quarrel with this concept. I would merely point out to you that you are doing a beautiful job of legislating in the constitution. I think that we have already made it perfectly clear that the language that we have in the constitution makes this possible. If you will look back at section b and if you will listen to the testimony that was given to you by Mrs. Judd and others, you will see that it is the intent of the committee to make it possible for counties to combine if they want to. Now Mr. Downs has already seen what happens when you try to put legislation in the constitution. You have to then start to amend your legislative act in order to perfect it.

I really don't have any great—I have no quarrel whatsoever with the concept, but feel that it is completely unnecessary as constitutional language. Mrs. Judd made it clear to you in her original presentation that one of the directors, Dr. Joiner, had convinced her in conversation that this was not required and, as a result, we defeated the Pollock amendment. I would urge that we not legislate now in this proposal.

PRESIDENT NISBET: The Chair recognizes Mr. Upton.

MR. UPTON: I have a question for Mr. Downs.

PRESIDENT NISBET: Mr. Downs.

MR. UPTON: Mr. President, I am wondering why he feels this is necessary when we have covered this, in my mind, in section b. I have certainly no objection to being able to combine counties by the majority vote but I think that we are duplicating ourselves. Section b covered it very thoroughly, I think.

MR. DOWNS: Were you done, Mr. Upton?

MR. UPTON: Yes.

MR. DOWNS: May I answer the question now, Mr. President? I think that question is well put. There has been a very honest difference of construction on the floor of the convention as to whether or not section b does include this. The only intent here was to make this absolutely clear. Whereas section b talks about the limitation below the 16 townships, I think that Delegate Elliott and others have indicated that section b does authorize this. Really, the intent is just to make it clear beyond any possibility of a doubt that this is possible.

MR. UPTON: Thank you.

PRESIDENT NISBET: The Chair wants to warn the delegates that we are operating under the convention now and rule 24 applies. The Chair recognizes Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I would just like to point out the reason for my concern on this, leaving this to the legislature. If you will remember what happened some time back, I think it was 1958, the legislature changed the rules on consolidation of school districts. From the time the petitions were circulated among the smaller districts,

the rules were changed. When the vote came up, the smaller districts found out that they were not voting on the question individually as townships but that the majority of the votes prevailed. There were many small districts that were annexed to larger against their own wills, and this is the only reason that I am concerned about this particular section.

PRESIDENT NISBET: The Chair recognizes Mr. King.

MR. KING: Mr. President, would I be in order to ask a second question or would I be speaking twice?

PRESIDENT NISBET: You are speaking twice, Mr. King.

MR. KING: Thank you.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Downs. The yeas and nays have been demanded. Those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted?

Without addressing my remarks to any delegate, may the Chair say now to the convention: it isn't quite as simple just to be in the hall. The Chair is of the opinion you should be in your seat as much as possible because votes are coming up pretty fast.

Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—79

Andrus, Miss	Gust	Norris
Anspach	Hanna, W. F.	Ostrow
Austin	Hart, Miss	Perras
Baginski	Hatch	Pugsley
Balcer	Hatcher, Mrs.	Radka
Barthwell	Higgs	Rajkovich
Binkowski	Hodges	Richards, J. B.
Boothby	Hood	Richards, L. W.
Brake	Jones	Sablich
Brown, G. E.	Judd, Mrs.	Seyferth
Buback	Karn	Shackleton
Butler, Mrs.	Kelsey	Shaffer
Dade	King	Shanahan
DeVries	Knirk, B.	Sharpe
Donnelly, Miss	Krolikowski	Snyder
Doty, Dean	Kuhn	Stamm
Doty, Donald	Leibrand	Sterrett
Douglas	Leppien	Stevens
Downs	Lesinski	Stopczynski
Durst	Madar	Upton
Elliott, Mrs. Daisy	Mahinske	Van Dusen
Erickson	Martin	Walker
Everett	Millard	Wilkowski
Faxon	Mosier	Woolfenden
Follo	Murphy	Young
Garvin	Nord	Youngblood
Gover		

Nays—43

Allen	Hannah, J. A.	Prettie
Batchelor	Haskill	Rood
Beaman	Howes	Rush
Bentley	Hoxie	Sleder
Bradley	Hubbs	Spitler
Cushman, Mrs.	Hutchinson	Staffeth
Danhof	Kirk, S.	Staiger
Dehnke	Koeze, Mrs.	Suzore
Dell	McCauley	Turner
Elliott, A. G.	McLogan	Tweedie
Farnsworth	Nisbet	Wanger
Figy	Perlich	White
Finch	Plank	Wood
Gadola	Powell	Yeager
Goebel		

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Downs to add a section n, the yeas are 79; the nays are 43.

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

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend page 1, line 22, [section f] after "consisting of" by inserting "at least"; so the language will then read:

A board of supervisors shall be established in each county consisting of at least one member from each organized

township and such representation from cities as shall be prescribed by law.

PRESIDENT NISBET: The Chair recognizes Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, now this will do what Mr. Farnsworth thought we could do earlier. At least that was the implication he gave me. He said: now, gentlemen, in the townships, if you don't like what you've got, go to the legislature and let them change it. And I would like to call it to your attention that if we did, the legislature couldn't do a thing about it because, by the constitution of 1908—and they want to continue it in this one—the legislature is prohibited from doing anything for any township. It is mandatory that they give them only one.

Now we do not want to write a formula here today and, therefore, we are offering this simple amendment which says only that they shall have at least one, and then if the legislature in their wisdom think a township should have more than one, we can petition the legislature. This is a very simple amendment but it would give the legislature the right to correct a bad situation if they thought it necessary.

I would like to point one thing out before I close: a city can have as little as 751 people and have 2 members on the board of supervisors, and I therefore think, without writing any formula, that we should at least allow the legislature to consider a township with a greatly larger population.

MR. FARNSWORTH: Mr. President, I am somewhat confused as to what I said, as stated by Mr. Kuhn. Mr. Kuhn apparently misunderstood what I said or else he misquoted me. I did not for one moment say that the townships should go to the legislature for relief. We well know they cannot do that because the constitution as we propose it says that they will have one supervisor. What I did say, Mr. Kuhn, was that if you thought you were not fairly represented, proportionately, between the cities and the townships that you could go to the legislature and have them revise the city formula reducing that.

Now I want to call your attention again that here is another back door approach to accomplish what all of these proposed amendments through the committee of the whole and prior to today tried. It is simply a back door approach to accomplish the same thing. When they say "at least one," that is a simple invitation for somebody to construe that the legislature could provide for one or more. It simply is a different way to say it. The committee is opposed to it and we hope that you will promptly vote it down.

PRESIDENT NISBET: The Chair recognizes Mr. Follo.

MR. FOLLO: The reasons I gave before when we were talking on Mr. Hanna's amendment are the same reasons I have for opposing this amendment.

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

The amendment is not adopted. Any further amendments?

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is the demand seconded? Sufficient number up. Those in favor of the Kuhn amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 38; the nays are 84.

PRESIDENT NISBET: The amendment is not adopted. The question is on Committee Proposal 81, as amended. Those in favor of Committee Proposal 81 as amended will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. BRADLEY: Mr. President, I cast a no vote to express my general dissatisfaction with the work of the convention thus far on this article, but as a latecomer I realize that this is only an outsider's opinion. Therefore, I wish to change my vote at this time to make it unanimous.

PRESIDENT NISBET: How do you want to vote, Mr. Bradley?

MR. BRADLEY: I wish to change my vote to aye and go along with the convention.

PRESIDENT NISBET: Bradley votes aye.

The roll was called and the delegates voted as follows:

Yeas — 120

Allen	Gust	Perras
Andrus, Miss	Hanna, W. F.	Pollock
Anspach	Hannah, J. A.	Powell
Austin	Hart, Miss	Prettie
Baginski	Haskill	Pugsley
Balcer	Hatch	Radka
Barthwell	Hatcher, Mrs.	Rajkovich
Batchelor	Heideman	Richards, J. B.
Beaman	Higgs	Richards, L. W.
Bentley	Hodges	Romney
Binkowski	Hood	Rood
Bledsoe	Howes	Rush
Boothby	Hoxie	Sablich
Bradley	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, G. E.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Cushman, Mrs.	Kelsey	Sleder
Dade	Kirk, S.	Snyder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Krolikowski	Staiger
DeVries	Kuhn	Stamm
Doty, Dean	Lawrence	Sterrett
Doty, Donald	Leppien	Stevens
Downs	Lesinski	Stopezynski
Durst	Madar	Suzore
Elliott, A. G.	Mahinske	Thomson
Elliott, Mrs. Daisy	Martin	Turner
Erickson	McCauley	Tweedie
Everett	McLogan	Upton
Farnsworth	Millard	Van Dusen
Faxon	Mosier	Wanger
Figy	Murphy	White
Follo	Nisbet	Wilkowski
Gadola	Nord	Wood
Garvin	Norris	Woolfenden
Goebel	Ostrow	Yeager
Gover	Perlich	Youngblood

Nays — 7

Donnelly, Miss	King	Walker
Douglas	Plank	Young
Finch		

SECRETARY CHASE: On the final passage of Committee Proposal 81, the yeas are 120; the nays are 7.

PRESIDENT NISBET: Committee Proposal 81, as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 81 as amended and rereferred to the committee on style and drafting:

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

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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. f. A board of supervisors shall be established in each county consisting of one member from each organized township and such representation from cities as shall be prescribed by law.

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

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

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

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

Sec. k. No navigable stream of this state shall be bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein.

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

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

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

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

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

PRESIDENT NISBET: Mr. Elliott.

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

DELEGATES: No.

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

MR. A. G. ELLIOTT: Okay.

Following is Committee Proposal 82 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 1024.):

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

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

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

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

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

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

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

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

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

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

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

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

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

PRESIDENT NISBET: The Chair recognizes Mr. Radka.

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

PRESIDENT NISBET: The Chair recognizes Mr. Austin.

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

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

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

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

PREAMBLE

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

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
10.	Attainder; ex post facto laws; impairment of contracts 15- 9
11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
8. Advisory Opinions	96k

Article III General Government

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

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

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

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

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

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

OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested	118a
2. Senate, Number, Term, Districts	80a
3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
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6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
16. Legislature, powers, rules	102a
17. Legislature, committees	102b
18. Legislature, journals, protest	114a

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
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38	51.	Public Health	126a
39	52.	Natural resources	125a
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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

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

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

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

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

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor[']s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

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

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

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

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

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

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

ARTICLE IX FINANCE & TAXATION

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

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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

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

SCHEDULE AND TEMPORARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Every registered elector may vote

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

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

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

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

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

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

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

The amendment is not adopted.

DELEGATES: Division.

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

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

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

MR. ALLEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: There are none.

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

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

The motion prevails. The Chair recognizes Mr. Cudlip.

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

VICE PRESIDENT HUTCHINSON: Mr. Downs.

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. King.

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

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

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

MR. BINKOWSKI: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski.

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

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

The roll was called and the delegates voted as follows:

Yeas—92

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

Nays—26

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

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

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

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

Following is explanation of vote submitted by Mr. Finch:

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

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

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

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

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

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

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

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

SECRETARY CHASE: **Article VIII:**

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

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

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

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

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

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

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

PREAMBLE

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

Article I

Declaration of Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

either in his own proper person or by an attorney.

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

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

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

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

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

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

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

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdivi-
55 | sion thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60 |

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

13 Sec. 1. Amendments to this constitution may
14 be proposed in the senate or house of representa-
15 tives. Proposed amendments agreed to by two-
16 thirds of the members elected to and serving in
17 each house on a vote with the names and vote of
18 those voting entered in the respective journals
19 shall be submitted, not less than 60 days there-
20 after, to the electors at the next general election
21 or special election as the legislature shall direct.
22 If a majority of electors voting on a proposed
23 amendment approve the same, it shall become
24 part of the constitution and shall abrogate or
25 amend existing provisions of the constitution at
26 the end of 45 days after the date of the election
27 at which it was approved.

28 Sec. 2. Amendments may be proposed to this
29 constitution by petition of the registered electors
30 of this state. Every petition shall include the full
31 text of the proposed amendment, and be signed by
32 registered electors of the state equal in number to
33 at least 10 percent of the total vote cast for
34 all candidates for governor at the last preceding
35 general election at which a governor was elected.
36 Such petitions shall be filed with the person au-
37 thorized by law to receive the same at least 120
38 days before the election at which the proposed
39 amendment is to be voted upon. Any such petition
40 shall be in the form, and shall be signed and
41 circulated in such manner, as prescribed by law.
42 The person authorized by law to receive such peti-
43 tion shall upon its receipt determine, as provided
44 by law, the validity and sufficiency of the signa-
45 tures on the petition, and make an official an-
46 nouncement thereof at least 60 days prior to the
47 election at which the proposed amendment is to be
48 voted upon.

49 Any amendment proposed by such petition shall
50 be submitted, not less than 120 days after it was
51 filed, to the electors at the next general election.
52 Such proposed amendment, existing provisions of
53 the constitution which would be altered or abro-
54 gated thereby, and the question as it shall appear
55 on the ballot shall be published in full as provided
56 by law. Copies of such publication shall be posted
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-
59 tain a statement of the purpose of the proposed
60 amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

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

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

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

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

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

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

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

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

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

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

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

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

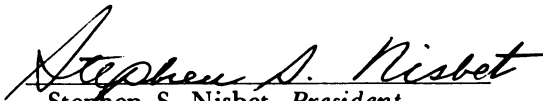
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

This is a revision of Sec. 5, Article VIII, of the present constitution. Deleted are the words "shall hold no other office" and the second sentence: "He shall be elected at the general election for the term of two years." New language permits the sheriff to hold civil defense offices. Reference to the term of office is covered in another section.

To the second sentence of the section is added an exception permitting the board of supervisors to protect the sheriff against claims for unintentional injuries to prisoners in his custody.

Boards of supervisors; representation.

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.* ****

This is a revision of Sec. 7, Article VIII, of the present constitution eliminating unnecessary language.

Boards of supervisors; powers.

Sec. 8. **** Boards of supervisors ** shall have legislative, * administrative and such *other powers and duties as provided by law.* ****

No change from Sec. 8, Article VIII, of the present constitution except for improvement in phraseology.

Boards of supervisors; power over compensation.

Sec. 9. * Boards of supervisors shall have exclusive power to fix the ** compensation of * county *officers* not otherwise provided * by law.

This is a revision of Sec. 9, Article VIII, of the present constitution. A sentence fixing responsibility for adjusting claims against the county is eliminated as unnecessary because there is no doubt under existing statutes that the responsibility lies with the board of supervisors.

Removal of county seat.

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.

No change from Sec. 13, Article VIII, of the present constitution except for improvement in phraseology.

Indebtedness; limitation.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation. ****

This is a revision of Sec. 12, Article VIII, of the present constitution. The limitation on the power of the county to incur debt is increased from 3 per cent to 10 per cent of its assessed valuation to give counties greater power to meet current problems.

Counties are now extending their credit for both primary and secondary purposes. Secondary obligations are incurred by placing the full faith

and credit of the county behind bonds of cities and townships to enable them to borrow at the lowest possible interest rate for the construction of water and sewage systems and other public works.

Secondary debt may easily exceed the 3 per cent limitation set in the present constitution. It is payable out of the revenues of waterworks, sewage fees, airport activities and the like.

Excluded from the section are the words: "except counties having an assessed valuation of 5,000,000 dollars or less, which counties may increase their total debt to 5 per cent of their assessed valuation." This language is deleted because there are no longer counties in Michigan with valuations at this low level.

Navigable streams; permission to bridge or dam.

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. ****

This is a revision of Sec. 14, Article VIII, of the present constitution. The following is eliminated: "No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof." This sentence adds no power to the legislature it does not already possess and has proved to be unduly restrictive in preventing the use of streams for a public purpose of greater importance than navigation. The rights of navigation can be adequately protected by statute.

County consolidation.

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.*

This is a new section permitting combination of two or more contiguous counties into a single county with the approval of a majority of the electors voting separately on the question in each county involved.

Townships; organization and consolidation.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under ** restrictions and limitations ** *provided by law.*

No change from Sec. 15, Article VIII, of the present constitution except for improvement in phraseology.

Counties; intervention in rate proceedings.

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.*