Michigan Constitutional Convention of 1961
Committee Proposal 47
Const 1963, Art 8, § 3

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3445, 3470

First Reading . . . . . pp. 723, 852, 1188-1199, 1206-1232, 1891

Second Reading . . . . . pp. 2573-2580

Draft Constitution (Art 8, § 3) . . . . . pp. 3047-3075 (pp. 3065-3066)

Third Reading, Article-by-Article . . . . . pp. 3146-3149, 3154

Draft Constitution (Art 8, § 3) . . . . . pp. 3215-3237 (p. 3230)

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

Adopted Constitution (Art 8, § 3) . . . . . pp. 3319-3353 (p. 3342)

Address to the People . . . . . pp. 3395-3396

Overview of the Constitutional Convention Process

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

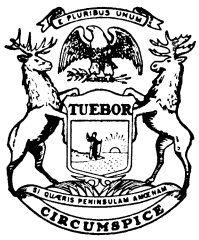
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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

Committee Proposal No. **Page**

40: Cont'd.
Jan. 25, reported by finance and taxation; referred to committee of the whole 696
Feb. 2, read first time; considered, amended, passed by committee of the whole 770-775
Feb. 2, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 778
Mar. 5, reported by style and drafting (Report 25); placed on order of second reading 1430
Apr. 19, read second time; passed; rereferred to style and drafting 2659

41. A proposal to provide for a 2/3 vote of the legislature for nongovernmental appropriations. Retains article V, section 24.
For text as offered and reasons 837
As referred to style and drafting 837
As reported by style and drafting 2959
As rereferred to style and drafting 2959
Jan. 25, reported by legislative powers; referred to committee of the whole 696
Feb. 6, read first time; considered, passed by committee of the whole 837
Feb. 6, reported by committee of the whole without amendment; referred to style and drafting 841
Mar. 5, reported by style and drafting (Report 26); placed on order of second reading 1430
Apr. 30, read second time; passed; rereferred to style and drafting 2959

42. A proposal to include in the constitution all of sections 1, 2, 3, 4 and 8 of article IX entitled "impeachments and removals from office."
For text as offered and reasons 837
As referred to style and drafting 837
As reported by style and drafting 2971
As rereferred to style and drafting 2971
Jan. 25, reported by legislative powers; referred to committee of the whole 696
Feb. 6, read first time; considered, passed by committee of the whole 837-841
Feb. 6, reported by committee of the whole without amendment; referred to style and drafting 841
Mar. 5, reported by style and drafting (Report 27); placed on order of second reading 1430
Apr. 30, read second time; passed; rereferred to style and drafting 2971-2972

43. A proposal pertaining to aliens and property rights. Retains article XVI, section 9.
For text as offered and reasons 845
As referred to style and drafting 845
As reported by style and drafting 2998
As rereferred to style and drafting 2998
Jan. 25, reported by miscellaneous provisions and schedule; referred to committee of the whole ... 697
Feb. 7, read first time; considered, passed by committee of the whole 845
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting 863
Mar. 5, reported by style and drafting (Report 28); placed on order of second reading 1430
Apr. 30, read second time; passed; rereferred to style and drafting 2998

44. A proposal pertaining to the schedule. Amends sections 1 and 8 of the schedule and adds 2 sections.
For text as offered and reasons 846
As referred to style and drafting 866
As reported by style and drafting 3027
As rereferred to style and drafting 3027
Jan. 29, reported by miscellaneous provisions and schedule; referred to committee of the whole ... 699
Feb. 7, read first time; considered, passed by committee of the whole 846-850
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting 863
Feb. 7, reconsidered reference to committee on style and drafting; amended; referred to style and drafting 863-866

Committee Proposal No. **Page**

44: Cont'd.
Apr. 26, reported by style and drafting (Report 108); placed on order of second reading 2851
May 1, read second time; passed; rereferred to style and drafting 3027-3028

45. A proposal to guarantee the right of disposition to the owner of real property. Amends article II by adding a new section.
For text as offered and reasons 2272
For minority report and reasons 2272
As referred to style and drafting 2287
Jan. 30, reported by declaration of rights, suffrage and elections; referred to committee of the whole 717
Feb. 7, consideration passed for the day by committee of the whole 850
Apr. 6, consideration passed for the day by committee of the whole 2212
Apr. 10, read first time; considered, amended, passed by committee of the whole 2272-2282, 2283-2287
Apr. 10, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2287
(Note: The entire content stricken.)

46. A proposal pertaining to the executive budget and item veto. Amends article VI.
For text as offered and reasons 1635
For minority report and reasons 1636
As referred to style and drafting 1680
As reported by style and drafting 2767
As rereferred to style and drafting 2767
Jan. 31, reported by executive branch; referred to committee of the whole 723
Feb. 7, consideration postponed to Feb. 13 by committee of the whole 852
Mar. 14, read first time; sections a, b, c, d considered; sections a, b, c passed by committee of the whole 1635-1662
Mar. 15, section d considered, amended, passed; committee proposal as amended considered, passed by committee of the whole 1666-1672
Mar. 15, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting 1676-1680
Apr. 19, reported by style and drafting (Report 71); placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2767-2769

47. A proposal to replace sections 2 and 6 of article XI.
For text as offered and reasons 1188
For minority report and reasons 1189
As referred to style and drafting 1232
As reported by style and drafting 2573
As rereferred to style and drafting 2580
Jan. 31, reported by education; referred to committee of the whole 723
Feb. 7, consideration passed for the day by committee of the whole 852
Feb. 20, read first time; section a considered by committee of the whole 1188-1199
Feb. 21, sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered, section a amended, passed by committee of the whole 1206-1230
Feb. 21, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting 1230-1232
Mar. 27, reported by style and drafting (Report 50); placed on order of second reading 1891
Apr. 18, read second time; amended, passed; rereferred to style and drafting 2573-2580

48. A provision pertaining to ineligibility to hold office. A substitute for article VI, sections 14 and 15.
For text as offered and reasons 1724
As referred to style and drafting 1987
Jan. 31, reported by executive branch; referred to committee of the whole 723
Mar. 19, read first time; considered, postponed by committee of the whole 1724-1730

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

Section 29. Highways, streets, alleys, public places; control, use by public utilities. (Committee Proposal 85a)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time; passed 3140-3146
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3394

Section 30. Franchises and licenses, duration. (Committee Proposal 85b)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time; passed 3140-3146
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3394

Section 31. Vacation or alteration of roads, streets, alleys, public places. (Committee Proposal 86b)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time; passed 3140-3146
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3394

Section 32. Budgets, public hearing. (Committee Proposal 57)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time; passed 3140-3146
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address of the people 3394

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

Section 34 (originally section 33). Construction of constitution and law concerning counties, townships, cities, villages. (Committee Proposal 84)
May 7, reported (as section 33); placed on order of third reading 3045
May 8, read third time; passed 3140-3146
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 34); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3395

ARTICLE VIII. Education. (Committee Proposals 1, 13, 30, 31, 47 and 98a, b, c, d)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275

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

Section 1. Encouragement of education. (Committee Proposal 1)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3395

Section 2. Free public elementary and secondary schools; discrimination. (Committee Proposal 30)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3341
For text, and comments in address to the people 3395

Section 3. State board of education; duties. Superintendent of public instruction; appointment, powers, duties. State board of education; members, nomination, election, term. Boards of institutions of higher education, limitation. (Committee Proposal 47)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3342
For text, and comments in address to the people 3395

Section 4. Higher education institutions; appropriations, accounting, public sessions of boards. (Committee Proposal 98a)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3342
For text, and comments in address to the people 3396

Section 5. University of Michigan, Michigan State University, Wayne State University; controlling boards. (Committee Proposal 98b)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3342
For text, and comments in address to the people 3396

Section 6. Other institutions of higher education, controlling boards. (Committee Proposal 98c)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3342
For text, and comments in address to the people 3396

Section 7. Community and junior colleges; state board, members, terms, vacancies. (Committee Proposal 98d)
May 7, reported; placed on order of third reading.. 3045
May 8, read third time, passed 3146-3149
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275

SECRETARY CHASE: The committee on legislative organization will meet in room D immediately after the session.

VICE PRESIDENT ROMNEY: Delegate Gust.

MR. GUST: I move we adjourn.

VICE PRESIDENT ROMNEY: The question is on the motion of Mr. Gust that we adjourn. Those in favor say aye.

We are adjourned until 2:00 tomorrow afternoon.

[Whereupon, at 2:55 o'clock p.m. the convention adjourned until 2:00 o'clock p.m., Wednesday, January 31, 1962.]

SIXTY-NINTH DAY

Wednesday, January 31, 1962, 2:00 o'clock p.m.

PROCEEDINGS

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

Our **invocation** today is to be given by the Reverend Halley B. Oliver of the First Congregational Church of Owosso. Mr. Oliver is Delegate Bentley's pastor. Today he is using the same prayer that he used to open the United States House of Representatives in 1960. Mr. Oliver. Will you please rise.

REVEREND OLIVER: Our gracious heavenly Father, we pause before Thee to seek the blessing of Thy guidance for the work of this day.

May, O Lord, those prayers made by Thy churches and people for this nation and these Thy servants prepare hearts and minds for the working of Thy Holy Spirit.

We so often pray for Thy wisdom, Thy Spirit and Thy love; yet it is too high. We cannot attain unto it. Make us, therefore, aware that we have wisdom from Thee; help us to use it, that we have felt Thy Spirit; grant that we be receptive to it.

We know the conditions of Thy love and that it casteth out fear. May mercy and justice be shown.

Give these Thy servants the understanding that the nation and state honor them and look to their work. May what is done be pleasing in Thy sight. We pray in the name of the Master. Amen.

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

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

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

Prior to the session today, we were in receipt of 2 requests to be excused from today's session: Mr. Walker, because of illness; and Dr. Hannah wishes to be excused from today's session.

PRESIDENT NISBET: Without objection, they will be excused.

SECRETARY CHASE: Absent with leave: Mr. J. A. Hannah, Mr. Romney, Mr. Thomson, Mr. Walker and Mr. Woolfenden.

Absent without leave: Mr. Greene.

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

Reports of standing committees.

SECRETARY CHASE: Mr. Bentley, for the committee on education, introduces

Exclusion Report 2025, A report recommending the exclusion of article XI, sections 2 and 6.

Alvin M. Bentley, chairman.

For Exclusion Report 2025 and the reasons submitted in support thereof, see below under date of February 7.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Bentley, for the committee on education, also introduces

Exclusion Report 2026, A report recommending the exclusion of article XI, sections 3, 4, 5, 7, 8, 10 and 16.

Alvin M. Bentley, chairman.

For Exclusion Report 2026 and the reasons submitted in support thereof, see below under date of February 7.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Committee Proposal 46, A proposal pertaining to the executive budget and item veto. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 46 and the reasons submitted in support thereof, see below under date of March 14.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Bentley, for the committee on education, introduces

Committee Proposal 47, A proposal to replace sections 2 and 6 of article XI;
with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 47 and the reasons submitted in support thereof, see below under date of February 20.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Committee Proposal 48, A provision pertaining to ineligibility to hold office. A substitute for article VI, sections 14 and 15; with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 48 and the reasons submitted in support thereof, see below under date of March 19.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, introduces

Committee Proposal 49, A proposal with reference to the borrowing of money by public corporations and bodies. Amends article VIII by adding a section;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 49 and the reasons submitted in support thereof, see below under date of February 7.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

MR. POLLOCK: This section we also recommend be excluded, because we are covering the first part regarding secrecy in another section of our proposed new article, and the clause regarding township officers was evidently designed to allow township officers to be chosen by viva voce voting, and present legislation requires election of township officers by ballot. In the opinion of the committee, exclusion of this language would not interfere with nomination of township officers by caucus if provided by law as at present.

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

Exclusion Report 2024 is passed and the secretary will read.

SECRETARY CHASE: Item 18 on page 2 of the calendar, from the committee on education, by Mr. Bentley, chairman, **Exclusion Report 2025,** A report recommending the exclusion of article XI, sections 2 and 6.

Following is Exclusion Report 2025 as read by the secretary, and the reasons submitted in support thereof:

The committee on education recommends that article XI, sections 2 and 6 of the present constitution be excluded from the new constitution.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Exclusion Report 2025:

The committee on education believes that sections 2 and 6 of the present constitution should be excluded because of the fact that the committee is preparing entirely new sections to replace them.

CHAIRMAN BENTLEY: The Chair would like to recognize the gentleman from Mt. Pleasant, Dr. Anspach, as vice chairman of the committee, to read the reasons for the exclusion report. Page 399, Doctor.

MR. ANSPACH: Mr. Chairman and members of the committee, at this particular time when Chairman Bentley called on me, I was a mugwump. I suppose you know the definition of a mugwump. It's an old one. He's a bird that sits on the fence, and his mug's on one side and his wump's on the other. (laughter) So therefore, when he called on me unexpectedly, he got me over on the right side of the fence. (laughter)

The committee on education believes that sections 3, 4, 5, 7, 8, 10 and 16—

CHAIRMAN BENTLEY: Excuse me, Doctor. That is the next one. (laughter) Exclusion Report 2025.

MR. ANSPACH: I guess I'm still on the wrong side of the fence. Now I'm off for sure. You know, it's a good deal like that old story of a pointer dog I told you the other day. You get set, you finally get booted and get around all right. (laughter)

[The supporting reasons for Exclusion Report 2025 were read by Mr. Anspach. For text, see above.]

Thank you very much. (laughter)

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

Exclusion Report 2025 is passed and the secretary will read.

SECRETARY CHASE: Item 19 on the calendar, from the committee on education, by Mr. Bentley, chairman, **Exclusion Report 2026,** A report recommending the exclusion of article XI, sections 3, 4, 5, 7, 8, 10 and 16.

Following is Exclusion Report 2026 as read by the secretary, and the reasons submitted in support thereof:

The committee on education recommends that article XI, sections 3, 4, 5, 7, 8, 10 and 16 of the present constitution be excluded from the new constitution.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Exclusion Report 2026:

The committee on education believes that sections 3, 4, 5, 7, 8, 10 and 16 of the present constitution should be excluded because of the fact that the committee is preparing entirely new sections to replace them.

CHAIRMAN BENTLEY: The gentleman from Mt. Pleasant, Dr. Anspach. The top of page 400. (laughter)

MR. ANSPACH: I was right in the first place. I started to read it awhile ago. (laughter)

[The supporting reasons for Exclusion Report 2026 were read by Mr. Anspach. For text, see above.]

CHAIRMAN BENTLEY: Thank you very much, Dr. Anspach. Are there amendments to the exclusion report? If not, it will pass.

Exclusion Report 2026 is passed and the secretary will read.

SECRETARY CHASE: Item 20 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 46,** A proposal pertaining to the executive budget and item veto. Amends article VI.

MR. MARTIN: Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman from Grand Rapids, the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, I would like to move at this time that this item and the following items be passed for the day and placed at the head of the calendar for discussion on Tuesday, February 13. The items are 20, 22, 32, 35, 36, 45, 46, 47, 48, 49, 57, 58 and going back, item 50, being Committee Proposals 46, 48, 59, 60, 70, 71, 72, 74, 75, 76, 77 and 78 and Exclusion Report 2027. Those items all relate to article VI or related problems affecting the executive branch, and we would like to discuss them in order. I will subsequently move for a slightly different order of consideration there so that we can take them up in a logical order.

CHAIRMAN BENTLEY: You have heard the motion of the gentleman from Grand Rapids. Is there discussion on the motion? If not, as many as are in favor will say aye. Those opposed?

The motion prevails, it is so ordered and the secretary will read.

SECRETARY CHASE: Item 21, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 47.**

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Mt. Pleasant, Dr. Anspach.

MR. ANSPACH: Mr. Chairman and members of the committee, I can't miss this one because I have a note. This was handed me. I suppose the chairman of the day heard of the absent minded professor who stepped out of his office and discovered he had forgotten a book; turned to go back to the office to get the book; saw a sign on the door that said "Be back at 3:00 o'clock," so he sat down and waited. (laughter) I ask permission of the committee, on behalf of the committee on education, to pass Committee Proposal 47 for the day.

CHAIRMAN BENTLEY: Is there objection to the request of the gentleman from Mt. Pleasant?

If not, hearing no objection, it is so ordered and the secretary will read.

SECRETARY CHASE: Item 23 on the calendar, from the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 49,** A proposal with reference to the borrowing of money by public corporations and bodies. Amends article VIII by adding a section.

Following is Committee Proposal 49 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. PUBLIC CORPORATIONS AND PUBLIC BODIES SHALL HAVE POWER TO BORROW MONEY AND TO ISSUE THEIR SECURITIES EVIDENCING DEBT, SUBJECT TO CONSTITUTIONAL AND STATUTORY LIMITATIONS.

Mr. Brake, chairman of the committee on finance and

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

board elected by the people to confirm or deny the appointments made by the governor to the boards, over which the state board of education might exercise some degree of supervision; so I simply offer this to you as an indication of one way by which we might overcome an obstacle in terms of the composition and the methods of selection and appointment of the members of these boards. I urge your consideration of this as a compromise in this field.

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: Mr. Chairman, the gentleman from Detroit, Mr. Faxon, has been at times a very useful member of the committee on education and has made great contributions to our work and deliberations thereto, but I must say, in all sincerity and kindliness to the gentleman, that he completely misunderstands the committee procedure if he thinks that every single amendment which was brought up in committee and disposed of in committee after thorough discussion and deliberation has got to be offered again in committee of the whole.

This amendment, as I say, his proposal, was thoroughly discussed and debated in the committee on education. It was voted down. I see no reason to bring it up at this time, and I hope that we can complete action on this proposal and move along. I therefore ask that the Faxon amendment be disposed of in the negative sense by being voted down.

CHAIRMAN POWELL: The question is on the Faxon amendment. All those in favor signify by saying aye. Opposed, no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Habermehl offers the following amendment:

1. Amend page 3, line 8, after "appointed" by striking out "by the state board of education" and inserting "by the governor with the advice and consent of the senate"; so that the language will then read:

> The board shall consist of 8 members who shall hold office for 8 years and who shall be appointed by the governor with the advice and consent of the senate.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Alpena, Delegate Habermehl.

MR. HABERMEHL: Mr. Chairman, I do not believe that I will need very much time on this. This would simply provide for the same method of appointment for this community college board as is provided in the preceding section, section c, for the boards of the various state institutions other than the 3 constitutional ones. I believe that this would eliminate the objection of the community college board being dominated in policy matters by the state board of education. If this community college board is to serve any useful purpose, certainly it ought to have some independence of action. This, I believe, would give it to them.

MR. BENTLEY: Mr. Chairman.

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: I have great respect and admiration for my good friend from Alpena, but I would point out that his amendment seeks to destroy the committee's intent on this particular proposal, because we definitely voted to make this community college board advisory to and subservient to the state board of education and work through the state board of education. The gentleman's proposed amendment would remove this board entirely from any connection with the state board of education, making it in direct connection with the governor. We do not believe that is in the best interest of the community colleges. We ask for the defeat of this amendment.

CHAIRMAN POWELL: The question is on the Habermehl amendment. Delegate Hart.

MISS HART: Mr. Chairman, we have struggled to keep from fragmenting education, and I would certainly hope that the committee will support the education committee.

CHAIRMAN POWELL: All in favor of the Habermehl amendment signify by saying aye. Opposed, no.

The amendment is not adopted. Are there any further amendments to any section of this committee proposal?

SECRETARY CHASE: That is all of the amendments presently on the desk, Mr. Chairman.

CHAIRMAN POWELL: If not, it will be passed.

Committee Proposal 98, as amended, is passed. It has taken only 5½ days.

The secretary will read the next proposal. I believe it is 47.

SECRETARY CHASE: Item 2 on the calendar, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 47,** A proposal to replace sections 2 and 6 of article XI.

Following is Committee Proposal 47 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. THERE SHALL BE ESTABLISHED A STATE BOARD OF EDUCATION WHICH SHALL PROVIDE LEADERSHIP AND SUPERVISION OVER PUBLIC EDUCATION INCLUDING ADULT EDUCATION AND INSTRUCTIONAL PROGRAMS IN STATE INSTITUTIONS OTHER THAN COLLEGES AND UNIVERSITIES. IN ADDITION, IT SHALL SERVE AS THE GENERAL PLANNING AND COORDINATING BODY FOR ALL PUBLIC EDUCATION IN THE STATE AND SHALL PROVIDE ADVICE TO THE LEGISLATURE AND TO THE PEOPLE AS TO THE AMOUNT OF STATE SUPPORT REQUIRED. THE POWER OF THE BOARDS OF INSTITUTIONS OF HIGHER EDUCATION OTHERWISE PROVIDED HEREIN TO SUPERVISE THEIR RESPECTIVE INSTITUTIONS AND CONTROL AND DIRECT THE EXPENDITURE OF THE INSTITUTIONS' FUNDS SHALL NOT BE LIMITED BY THIS SECTION.

THE STATE BOARD OF EDUCATION SHALL CONSIST OF 8 ELECTIVE MEMBERS WHO SHALL HOLD OFFICE FOR 8 YEARS. THEY SHALL BE NOMINATED BY PARTY CONVENTION AND ELECTED AT LARGE AS PRESCRIBED BY LAW. THE GOVERNOR SHALL ALSO BE A MEMBER OF THE STATE BOARD OF EDUCATION.

Sec. b. THE STATE BOARD SHALL APPOINT A SUPERINTENDENT OF PUBLIC INSTRUCTION WHOSE TERM OF OFFICE SHALL BE DETERMINED BY THE BOARD. HE SHALL BE THE CHAIRMAN OF THE STATE BOARD WITHOUT THE RIGHT TO VOTE, AND SHALL BE RESPONSIBLE FOR THE EXECUTION OF ITS POLICIES.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BE CHIEF ADMINISTRATIVE OFFICER OF A STATE OFFICE OF EDUCATION WHICH SHALL BE GRANTED SUFFICIENT FUNDS AND STAFF TO CARRY ON STATE RESPONSIBILITIES FOR EDUCATION AS DETERMINED BY LAW.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Committee Proposal 47:

A fundamental principle is that education is the concern of all people to safeguard democracy. Inherent in its objectives has been the development of good citizens for the preservation and growth of our country but also inherent has been the public participation in the nature of its teaching and operation. This section attempts to embody both of these principles and is in line with recommendations of major educator and parent groups concerned with education as well as many in school administration.

The enlarged state board finally gives Michigan a policy making body on a state level similar to the local boards of education. Michigan is 1 of 3 states that does not have such a board. For many years there have been grave doubts about the advisability of policies and procedures determined by a superintendent of public instruc-

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

tion alone. Creation of a state board places the superintendent in the position of having constantly available a deliberative body of outstanding citizens who are representative of the citizens of Michigan.

Eight elected members have been selected as the number for the board because experience in other states has proved this to be a desirable size for a deliberative body of this nature.

It is recommended that the legislature provide for the election of board members on staggered terms to maintain continuity in education policies.

The governor shall be a member of the state board of education in order to provide a close relationship between the executive branch of state government and the field of public education. It is understood that such a membership would carry the right to speak and to vote at all board meetings. Such membership could be deputized but without the right to vote.

The new state board is a symbol of partnership between the people and the state. As representative of the people, it embraces popular control, discourages use of education as a partisan tool, provides continuity of statewide policies and programs, is a barrier to special interest group influence on the schools, and helps unify educational forces throughout the state.

It is considered the unifying and coordinating force for education within the state. The committee recommends that the board shall receive information from all of the various levels of public education—elementary, secondary, higher and other public institutions providing instructional programs.

Such information shall be used in order that the state board of education may adequately consider and advise local school boards, governing boards of colleges and universities, the legislature and the people as to the total needs of education in this state and make recommendations concerning their solution.

Having the superintendent of public instruction appointed by the state board follows present day trends as indicated by the following chart:

Methods of selecting chief state school officers by number of states

	1909	1930	1950	1960
Selection by state board	4	8	13	22
Selection by governor	9	7	6	5
Selection by election	33	33	29	23

Appointment by a state board assures that the superintendent of public instruction will be selected from among the most competent people available to serve in that capacity. His responsibilities would be that of directing the state educational system and acting as the executive officer of the state board of education in administering its various functions. It is interesting to note that the last 3 previous superintendents of public instruction of Michigan, all of whom left the office voluntarily, went on record repeatedly as favoring the appointment of a superintendent of public instruction by an enlarged board of education.

This section also recognizes the superintendent of public instruction as administrative head of the state department of education. It is the intent of this committee that the superintendent of public instruction be considered the chief educational officer of the state and as such staff officer to the governor and on his administrative board.

The committees on rights, suffrage and elections and executive branch, who have concurrent jurisdiction, have concurred with the committee on education on this proposal.

Following is the minority report to Committee Proposal 47 as offered and the reasons submitted in support thereof:

Miss Hart and Messrs. T. S. Brown and Douglas, a minority of the committee on education, submit the following minority report to Committee Proposal 47:

A minority of the committee disagree with paragraph one of section b. of Committee Proposal 47.

Miss Hart and Messrs. T. S. Brown and Douglas, a minority of the committee on education, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 47:

The heart of the question over whether or not the state superintendent of public instruction should be elected by the people or appointed by a state board of education is the question: is Michigan to have a strong superintendent of public instruction who is to be a policymaker by dint of his own strength as the choice of the people, or are we to have a superintendent who is granted his strength and guaranteed his weaknesses by virtue of the whim of a board of education which, even if elected, will by its very nature be more difficult to attune to the public will?

It is not enough to say that an appointed superintendent will be on the governor's administrative board. If he is there only as the liaison between the governor and the board of education, he is reduced to the position of messenger boy. If he is on the administrative board as an elected official, he is there as the representative of the people.

The board of education, even though elected, is more difficult to attune to the public will simply because it is more difficult to place blame for mistakes or tender praise for success.

An elected superintendent of public instruction is answerable directly to the people while, as a policymaker at the administrative board level and presiding officer of the board of education, his actions and policies are demonstrably his own.

Other arguments supporting the election of a superintendent of public instruction:

(1) Elected policymaking officials are historically more effective before the legislature and its committees;

(2) An elected superintendent makes it his business to meet the public in every part of the state and will be more inclined to bring the story of the needs and problems of education to all manner of groups; and

(3) There is no evidence to support any argument that an elected superintendent would not perform his professional duties as an educator. On the contrary, his accessibility to the will of the people tends to place the emphasis on more energetic performance of such duties.

Finally, may we add that it is only natural that professional educators should feel that they are best qualified to solve educational problems and handle educational matters. However, the facts are that this is a public responsibility and the only way the public has a direct voice at high, policymaking levels in education is through the election of the superintendent of public instruction.

[Section a was read by the secretary. For text, see above, page 1188.]

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: Well, Mr. Chairman, Committee Proposal 47 from the committee on education is divided into 2 parts of which the secretary has just read the first part relating to the state board of education. As far as the committee on education is concerned, Mr. Chairman, section a was adopted unanimously, as I recall, by our committee on education, and I believe I am speaking the sentiments of all members of the committee on education when we regard this new state board of education as perhaps our most outstanding accomplishment of all our proposals for the new constitution in the field of education. Section b, which will be arrived at, of course, subsequently, is, on the other hand, quite controversial. There is a minority report pertaining to this section, which we are not discussing at the present time.

For a more adequate and thorough discussion and explanation of section a of Committee Proposal 47, relating to the

state board of education, I yield to the chairman of the subcommittee that handled this matter, the distinguished vice president of the convention, the gentleman from Bloomfield Hills, Mr. Romney.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Bloomfield Hills, Mr. Romney.

MR. ROMNEY: I think for the information of the delegates that I should first outline the significant changes made by this new proposal, and then indicate the things that this proposal does not do, and then the reasons for these changes.

The first thing that the proposal does is to enlarge the board of education from a board of 3 to a board of 8, the 8 members to be elected. It also adds a ninth member in the governor and, through the addition of the governor, develops a tie in between the governor's administrative and executive responsibility and the functioning of the board of governors. I think it is clear that in an activity as important as education involving 50 per cent of the state's expenditures, that it is important that the governor have a direct contact with this activity, be familiar with it, and be in a position to make recommendations on the basis of firsthand knowledge. After all, his recommendations with respect to the budget will be very important in terms of what is finally done for education as a whole.

Now, the second thing that the proposal does is to relieve the board of education of the responsibility for providing the operating direction for the normal colleges.

The third thing it does is to enlarge the functions of the board. The new board of education is given leadership and supervision over education other than colleges and universities. This means the elementary and secondary schools as well as other institutions of an educational character. The third thing it does is to give this board overall planning and coordinating responsibility for all of education. This we have not had. As Miss Hart just indicated, we have had a fragmented situation where segments of education have been operating quite autonomously, and for the first time through this overall board we set up a body that has general planning and coordinating authority. This means that this board is in the position to determine where community colleges should be located, for instance, with the advice of the community college board, whether 4 year colleges should add additional departments, or whether universities should add additional post graduate work. It gives this board the key position in recommending to the governor and the legislature all the steps taken to meet our educational needs in the state.

On number 3, this board's functions are enlarged by making it a general review body of total fund requests for education. This board will have the responsibility of reviewing requests for funds from all segments of education and then submitting its recommendations on these requests to the governor and the legislature and the people of the state, generally. It is believed that this body will establish a stature, a prestige, that will enable it to be very influential in terms of its recommendations. It also means that it will give the board the opportunity to exercise the type of general planning and coordinating control that I have previously indicated in that its recommendations should have a very important bearing on appropriations. Now, this does not preclude separate universities from going directly to the legislature if they do not agree with the recommendations of the board. In connection with the enlargement of the board's activities, I think it is important to know that this enlargement of the board's activities does not increase the authority of the board beyond that now granted in the present constitution to the superintendent of public instruction. The present constitution gives the superintendent of public instruction very broad authority over education, but he is not properly equipped either from the standpoint of staff and department or from the standpoint of ability to cover the full field to discharge that function. This contemplates the establishment of this board with these broad functions and, certainly, this provides a more suitable means of discharging these important functions.

Now what are some of the things it does not do? It does not discourage the voluntary effort that is building up in many fields of education, particularly in the field of higher education. The council of university presidents has begun to do some coordinating work on their own that represents a potentially valuable contribution. This does not discourage the continuation of that voluntary planning and coordination on the part of the institutions of higher learning, nor does it discourage similar voluntary effort on the part of community colleges. It does not interfere with the operating autonomy of the colleges and universities. The boards of regents, the governing boards of the universities and colleges will retain their autonomy in the operating area. And this does not take control of education away from the control of the people; it leaves the control of education in the form that is so well known locally, namely, the election of educational officials. The state board corresponds very closely to the local boards of education. It does not remove completely from the governor the governor's administrative and executive responsibility, because the governor is made a part of this board.

Now we need this provision, as far as I am concerned, because education will play an ever increasing part in state government. It already represents 50 per cent of our state expenditures. We are faced with an increasing number of youngsters who are seeking a higher education in particular and, because of this larger need in the future, it seems particularly timely to make adequate provision for planning and coordination. We are certainly going to need the wisest possible expenditure of available funds in order to meet our educational requirements both in terms of quality and in terms of the number of young people and adults and others who need education in this period when knowledge is multiplying more rapidly than ever before and where the need for it is greater. We certainly need to develop a means of meeting these needs that will be free from local interests and group pressures, and it is believed that this enlargement of the functions of the board of education will contribute importantly to this end. If you have not read it, I would suggest that you read the majority report of the committee on page 402 of the journal.

In conclusion, I think this recommendation for the board of education, if approved by you—as I hope it will be—by itself is sufficient justification for this constitutional convention. I believe that it will function in a manner that will save more annually as we go down through the years than the total cost of this constitutional convention. It will do this by bringing together at a central point intelligent planning for our total educational requirements and free us from the type of fragmented pressures that have been exerting themselves in the past.

I think this is a very timely and necessary action, and I urge you to support the committee's recommendation.

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

MR. SUZORE: Mr. Chairman, I would like to direct a question to the committee. On page 1, lines 15 and 16, the sentence that reads "They shall be nominated by party convention and elected at large as prescribed by law." It confuses me as to whether or not the intent of the committee was to have them elected on a partisan or a nonpartisan ballot and, if they did wish to do so, why is it not spelled out or something spelled out to indicate more clearly the intent of that sentence?

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, if the gentleman from Lincoln Park will yield to me for reply, I can assure Mr. Suzore that the intent of the committee on education was very definitely that they would be nominated and elected on partisan tickets, Mr. Suzore. We think that our language is adequate, because, by requiring their nomination by party convention, they would then be nominated on partisan tickets, and when we say "elected by law" we are referring more to the fact that we leave it to the legislature to determine the method of their election; such as, for example, we suggest that 2 be elected every 2 years on a staggered basis, but we think that is a detail the legislature could handle.

MR. SUZORE: I think that is sufficient. It is now on the record as to the intent of the committee.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Sheridan, Delegate Gover.

MR. GOVER: Mr. Chairman, Delegate Romney, I have a question that I would like to have brought out at this time. It is a little unclear in my mind, since it seems that the governor, as busy as he is, shouldn't be bothered by being a member of the committee other than ex officio, and I would like the explanation from the committee on education as to why he was made a regular member of the committee and not just an ex officio member.

CHAIRMAN POWELL: Delegate Romney, do you care to reply?

MR. ROMNEY: Well, actually, there were many members on the committee who felt that the board of education might as well be appointed by the governor because of the fact that education represents such an important part of the state's total expenditures, and, after all, the governor has a considerable responsibility for the total operation of the administrative side of our state government. Now, it was felt that the governor should be tied in as closely as possible with this board, and he should have an effective voice on the board because of the important part he has in the educational program of the state. We considered the question of making him just an ex officio member but concluded that this represented a much more proper relationship between the governor and the board of education, and that there should be as close a relationship is indicated by his voting power on the board.

MR. GOVER: Well, thank you, Delegate Romney. I am not quite in sympathy with that thought, but still it is a good explanation of it.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Gladwin, Delegate Hubbs.

MR. HUBBS: Mr. Chairman and fellow members of the committee, I would like to direct a question to the chairman of the education committee or one of the members who might like to answer it. I would like to refer him to this proposal which we are currently discussing, line 9, the words "and to the people." It says in the proposal that:

> In addition, it shall serve as the general planning and coordinating body for all public education in the state and shall provide advice to the legislature and to the people as to the amount of state support required.

My question is this, Mr. Chairman of the committee: just exactly what did you have in mind when you put these 4 words in "and to the people"?

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: In reply to the gentleman from Gladwin, Mr. Chairman, I will say that it means just what it says. We feel that the state board of education is such an important institution, and has a peculiar knowledge of the needs of education at all levels in the state of Michigan, that they should make their recommendations not only to the legislature but, also, should give them the widest possible publicity throughout the state, so that the people of Michigan can see and decide for themselves as to whether or not the suggestions of the state board are being carried out and, perhaps more important, should have confidence in the group of—we hope—public spirited, dispassionate persons whose whole souled aim is only to see that the great needs of public education in the state are adequately provided for and financed.

MR. HUBBS: I would like to compliment the chairman on his regard for education, and the members of the committee on their noble objectives which I thoroughly agree with; however, I am just a little bit afraid that by putting these words in here we are evidencing a distrust of the legislature, who are supposed to be the representatives of the people, in suggesting that the board of education might find it necessary to circumvent the legislature to attain their ends. I feel myself that these 4 words could possibly be eliminated and that any selling job that had to be done to the public could be done by the public press and that when the board of education makes their request to the legislature they are talking to the people, to the people who are the legislature, and I frankly feel that this could result in the expenditure of the tax money to lobby the public from the board of education and bypass the legislature. I do not think that these 4 words should be retained in this article.

CHAIRMAN POWELL: Chairman Bentley, do you wish to comment? The Chair will recognize the gentleman from Detroit, Delegate Iverson.

MR. IVERSON: Mr. Chairman, I would like to direct a question to the chairman of the committee or to Mr. Romney. The state board of education is given supervisory control over all state institutions with the exception of colleges and universities. My question is this: does this conflict with Committee Proposal 98 which we just passed, on page 3, which provides:

> 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, planning for such colleges and requests for annual appropriations. . . .

It seems to me there might be a conflict there.

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I do not believe, Mr. Iverson, that there is a conflict, but if the matter of state institutions is what is bothering the gentleman, I would like to ask the lady from Detroit, Miss Hart, to comment, because I believe that she was very active in the drafting of this particular language. Am I not correct, Miss Hart?

CHAIRMAN POWELL: Miss Hart.

MISS HART: I have been concerned that the superintendent of public instruction and the state board be concerned with education within the vocational schools, that they have supervision in the institutions of mental health as far as education is concerned, and this is what we were talking about when we spoke of the institutions, specifically, education within state institutions.

CHAIRMAN POWELL: Mr. Iverson.

MR. IVERSON: Well, that does not quite answer my question. In section a you do not give them supervisory control over colleges and universities. Now, in Committee Proposal 98 you do, apparently, give them supervision over community colleges or junior colleges. Then my question was: is there a conflict?

CHAIRMAN POWELL: Mr. Romney.

MR. ROMNEY: Mr. Chairman, if I may comment, Mr. Iverson, on this point. Actually, the board of education does have general supervision over community colleges. It does not insofar as state matters are concerned except to the extent that the direct operating control is with the local board. Now, in the case of the universities, the state board of education does not have general supervision and there is no conflict here so far as I can see.

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Iverson, I think if you will read the sentence in its context ". . . including adult education and instructional programs in state institutions other than colleges and universities. . . ." In other words, it is referring to adult education and instructional programs. I do not believe that we contemplated within Committee Proposal 98, to which you refer, that we were going to get into the question of instructional programs in the community colleges and, therefore, I would see no conflict.

CHAIRMAN POWELL: The Chair will recognize Delegate Faxon somewhat out of order. There are 3 or 4 others, but apparently you want to answer this question?

MR. FAXON: Yes, I just want to respond to this, too. I think that Committee Proposal 98 says that the state board for junior colleges will advise the state board of education, so that it is implied within the state board of education, as Mr. Romney said, that they do make the overall policy and determinations, but that in Committee Proposal 98 the state board would simply have advice from this other board as to how they might proceed here. But I think the state board

does have the overall responsibility for the junior community colleges. I think that may be what his point was.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Detroit, Delegate Downs, next.

MR. DOWNS: Mr. Chairman, I believe there is an amendment pending, and I would rather save my chance to speak in favor of that. May I do that?

CHAIRMAN POWELL: Certainly. The Chair recognizes the delegate from Taylor, Delegate Ford.

MR. FORD: I have a question for Mr. Romney with respect to the rationale of the committee recommendation that you cited to us, Mr. Romney, on page 403. It starts on page 402:

> The governor shall be a member of the state board of education in order to provide a close relationship between the executive branch of state government and the field of public education. It is understood that such a membership would carry the right to speak and to vote at all board meetings.

Now the next language is:

> Such membership could be deputized but without the right to vote.

My first question is what language in the proposed section of the constitution would authorize any member of the board of education to deputize his membership to someone else?

CHAIRMAN POWELL: Mr. Romney.

MR. ROMNEY: Mr. Chairman and Mr. Ford, there is no specific language in the committee proposal that does this, but the committee felt that it could be accomplished by making this clear in the committee report, and because there was a desire to make it possible for the governor to have a deputy attend the meeting if that became necessary, it was provided for in this way. Now, it was the judgment of those advising the committee, as well as the members of the committee, that by making this provision in the report it would be so understood and would be permitted.

MR. FORD: It being the feeling of the committee that the language of the explanation would delegate or permit the delegation of authority short of the authority to vote, what would you conceive the function of the deputy to be? Would he actually render opinions and make pronouncements as a member of the board, as if he were standing in the governor's shoes?

MR. ROMNEY: No, he could simply keep the governor informed on those occasions when the governor might not be able to be present. It was felt, however, that the primary consideration was to make it possible for the governor to have a direct tie in with an activity that represents 50 per cent of total state expenditures and that he should be able to have a direct knowledge of the basic facts and considerations entering into such an important segment of total state activity. Now, recognizing that there might be occasions when the governor could not attend meetings personally because of his other duties, it was felt that in his particular case it would be desirable to indicate intention that he be permitted to be represented by a deputy, not for the purpose of voting as is indicated here but, rather, for the purpose of being informed and helping to keep the governor informed.

MR. FORD: Would it be possible with this board as you have constituted it for the governor to be unofficially represented by a person who could report to him without making that person a member of the committee, or the board, rather?

MR. ROMNEY: Well, I assume that he could secure such a right from the board of education; however, the committee members felt that it was desirable to make this right to be represented by a deputy clear and to embody it in the committee report. It was felt that this was a better and more specific way in which to handle it.

MR. FORD: Then, I take it that this language in the committee recommendation, although it says "deputized but without the right to vote," merely means as an observer and not as a person who would speak for the governor as a member of the committee even though he didn't vote?

MR. ROMNEY: Well, that was my impression when the committee put this in. Other committee members may want to express themselves on this point. This was something that, as far as I know, the committee members generally felt was a desirable thing to provide for.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Garden City, Delegate Ted Brown.

MR. T. S. BROWN: Mr. Chairman, perhaps just a word of explanation concerning section a, here, would be in order. Since there has been some questions about it, I would like to explain it from my point of view, which I think makes sense to me at least, and add my concurrence to what Delegate Romney has said.

If there is anything in this constitution to date which is demanding of superlatives, I think it is the terminology contained in the first paragraph of section a. Now, Dr. Hannah delivered the committee of a very fine address concerning the status of education in this country and especially in the state of Michigan, and the future of education and the gravity of the situations that we are now confronted with. He came up with some very interesting figures which stunned me and, I think, will stun you. One of these, I think, is that the total scope of man's knowledge doubles now every 6 years. It used to be that man's knowledge doubled every thousand years, every hundreds of years. Now we are doubling our total knowledge every 6 years.

It is insufficient in this day and age to have the fragmented type of planning or lack of planning that we have in the present constitution and this gave rise to the idea of the super board. This board, of course, was considered by the people representing the larger universities in this state and they were all in accordance with the fact that there should be some sort of preplanning without detracting from their individual autonomy or the destruction of their traditional way of operating their particular universities. It would also eliminate, I think, the cat and dog fight that occurs in the legislature between the various universities applying for "X" dollars and so on and the devil take the hindmost. This is a very noble and a very far reaching and a very progressive thing that we are doing here in the first paragraph of section a.

In reference to the second paragraph of section a, Delegate Ford had some questions regarding the governor, and I think that the fact that the governor is indicated as a member of the board represents a compromise on the committee between the position of having the governor appoint the board completely and not having the governor have any direct hand in the action of the board. Since the board is elected on a statewide basis and, we assume, on a partisan ballot, we have met the requirement of the people's interest, and therefore I certainly find no harm if the governor were a member of the board.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Detroit, Delegate Faxon.

MR. FAXON: I just want to join in support of the committee report. I think that everything has really been said, that this is a tremendous forward look in the overall structure of education in Michigan. It is something that I go back and talk about with great pride as an indication of our willingness to establish a board that will have this overall look and one that will be able to plan adequately for our future needs. So I wanted the members of this committee to know that this was a result of unanimous action in our subcommittee and, I believe, in our full committee.

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

MR. BOOTHBY: Mr. Chairman, I have an amendment on the secretary's desk which I would like to have read at this time.

SECRETARY CHASE: Messrs. Boothby, Brake, Dean Doty, Leibrand, Finch, Sharpe, Dehnke, Miss Donnelly and Mr. Downs offer the following amendment:

1. Amend page 1, line 16, after "law.", by striking out the balance of the line and all of line 17, which reads, "The governor shall also be a member of the state board of education."

CHAIRMAN POWELL: Delegate Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, this amendment, as the secretary has indicated, would delete from the recommendation of the committee on education the provision which would place the governor on the board of education. This caused some concern in my mind because, traditionally in this state and in many other states we have tried to remove the education field as far as possible from politics and particularly from partisan politics. It seems to me that by placing the governor of the state, who is actually a political creature and must be so, on the board of education that you would be creating a situation where education might very well be placed in a political arena.

Another thought occurred to me, also, along this line: the fact that the board of education is to be composed of a group of citizens, as the committee has indicated, from all over the state, of outstanding ability in the education field. It seems to me that each one of these people should speak with some effective independent voice on the board. I have been to a certain degree worried that if you place the governor, the governor of the state, a person on whom the eyes of the state are fixed, on the board, that he would become the dominant force on that particular educational board, and the other 8 individuals, having possibly a greater amount of background in education, might not have their word given the full attention which it should.

I would also suggest that the governor would have 2 particularly important areas of concern if he were on the board. One would be in the area of policy, and I have grave questions in my mind whether the governor of the state of Michigan would have the proper time to give the consideration that he should to the policies of the board of education. It was pointed out by the committee on education that the function of this board is to be similar to the local boards of education. I have grave concern whether the governor of the state can give as much consideration as he should on the matters of policy. The second and probably the primary function which the governor would have on this board, and probably the reason why this is in the report, because it was indicated this was a compromise, was that he would have some say on the appointment of the superintendent of public instruction. So what you actually have, in effect, is indirectly the appointment of the superintendent of public instruction by the governor.

Another fact which I think should be pointed out is that the governor does have certain methods by which he can make his influence felt. I do recognize that education consumes 50 per cent of the taxpayers' funds. However, the governor has many means by which he can assert his influence in a very direct manner. One way is by the party convention and being the titular head of the party. We see by the report that the members of the board will receive nomination by their political party. So he has a great deal of influence on the creation of the board. Then he can submit, by various methods, bills to the legislature. He also has the method of a message to the legislature whereby he can incorporate his thoughts in a very direct manner to the legislative body by the message to the legislature. Another way in which the governor can assert his influence is by his very complete access to public communication. So I say that the governor of the states does have a very direct influence on any educational policy that might come out of the board of education.

Another further point is that the superintendent of public instruction, under the plan coming out of the committee, is a staff officer to the governor and serves on his administrative board. So you do have a liaison officer directly from the governor's office on the board of education who can speak for him. The reason for the governor being placed on the board of education was stated on the bottom of page 402 to be that:

> The governor shall be a member of the state board of education in order to provide a close relationship between the executive branch of state government and the field of public education.

Now I submit that any problem that might arise can be adequately taken care of—and the committee actually pointed out the way by which it could be taken care of—and that is in the statement made near the end of the first line on the last paragraph on the bottom of page 403, on the left hand side where it says:

> This section also recognizes the superintendent of public instruction as administrative head of the state department of education. It is the intent of this committee that the superintendent of public instruction be considered the chief educational officer of the state and as such a staff officer to the governor and on his administrative board.

I say the governor has many means by which he can assert his influence and particularly through the superintendent of public instruction, who is contemplated to be a staff officer of the governor and would serve on his administrative board.

I would suggest 3 things in your contemplation of this amendment. I would ask that you allow the superintendent of public instruction to be actually the chief educational officer of the state. I say if the governor is on this board, even though he is not designated as the chief spokesman on the board of education, he would become so, and he would certainly cause the superintendent of public instruction to be relegated to a weaker position. I would say that we must keep education to the greatest extent possible out of politics. I would say that we must remove from the board of education any one person having any particular dominance over that body.

I urge the support of this amendment which would strike from the body of the proposal the words which would allow the governor of the state to serve on the board of education.

At this time I would like to yield to one of my cosponsors of this amendment, Mr. Brake.

CHAIRMAN POWELL: The Chair recognizes Delegate Brake.

MR. BRAKE: Mr. Chairman and ladies and gentlemen of the committee, Mr. Boothby has covered much of what I had intended to say, but I would like to try to analyze this situation just a little bit further. In the ordinary course of events, the 8 members of this board are going to be professional educators. That has been the history of the board of education in the past, and I am sure it will be in the future and that it should be in the future. The governor will not be a professional educator. Professional educators don't know enough about politics to get elected governor. (laughter) I found out not too long ago that I didn't either. (laughter)

That being true, the governor being a politician, as a governor must be a politician, the other members of the board being professional educators, as they should be, my first premise is that the 8 members of the board should lay down the policy to be followed by this board. They should make the decisions. They know what the problems are. They should be the dominant force.

It seems to me that while Mr. Romney didn't say so that one of the principal objectives in the set up that has been suggested to us here is that of moving the department of education a little bit further away from the political arena. The board is elective. They pick the superintendent of public instruction instead of having him elected by the people as in the past. Then the committee turns right around and comes right straight back toward the political arena by putting the chief politician of the state on the board.

My first premise is that the board ought to run this show. Now I would like to inquire as to whether that will be true with the governor on the board. Mr. Boothby has said that the governor must be a dominant figure. That is the nature of governors. If he doesn't dominate every activity into which he goes, he will be branded as weak and ineffective. When the governor goes to a wedding, he gets more attention than the bride gets. (laughter) He will have more attention on this

board than any 4 or 5 members on it; and, since they are professionals or will be professionals and he not a professional, I think that is not good.

Just one other angle, and Mr. Boothby hinted at that, also: that is the matter of the communications from the board to the public. It is highly important that the public know what the problems are, what the board is doing about them, what their plans are for the future. The board will get more publicity with the governor on it than without his being on it; there is no question about that. But will it be the information that the public ought to be receiving in connection with the board? A governor's desire for publicity is irresistible and insatiable. That is all right; I am not complaining about it at all. He has to have it; it is a necessity; he has got to be in the papers every day. If he doesn't get the publicity, he doesn't come back the next term. So, if he is on that board, the information that the public gets is going to be the information that the governor gets out, the information of his viewpoint, his slant at everything that comes before the board. When the reporters want to know about the board, it will be the governor they contact. I think that is not good. I think this ought to come from the board itself, the people who are professionals and who understand the educational problems. It seems to me that the governor just does not belong on this board.

CHAIRMAN POWELL: The Chair recognizes the lady from Livonia, Delegate Conklin.

MRS. CONKLIN: Mr. Chairman, I would just like to say that I am not leaving my committee, because, although this came out in the committee report, I did vote against it in committee and I would like to support the amendment, being one of the few here who didn't have their names on the amendment when it was submitted, and I would like to support it.

CHAIRMAN POWELL: Delegate Downs.

MR. DOWNS: Mr. Chairman and fellow delegates, I rise in support of the amendment, and I would like, if it is in order, to ask the committee chairman a question. First of all, I would like to say that I believe the committee has done an excellent job in strengthening the whole concept of the board of education, and I want to say that I am in wholehearted agreement through line 16 and wish to make that very clear. What I am concerned with, Mr. Chairman, is with the governor being put on the board the same as the 8 other members; is there a danger that he would either be downgraded to be 1 of 9 members or else, as other speakers have said, would tend to dominate the other 8 and thereby weaken a good governmental structure? I wonder if the chairman has any comments to make?

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Well, Mr. Chairman, in reply to the gentleman from Detroit—I want to make some comments on the amendment myself a little bit later—but in specific reply to the gentleman from Detroit, I would say that it is certainly not the feeling or the belief of the committee on education that the governor would necessarily dominate this board. If we felt there was any possibility of dominance, we would never have included this particular sentence.

Now, as to the possibility of whether or not he might be "down graded," I do think the governor would be sitting on the board for many reasons, but I will say—and I would hope very much—that while he was on the board he would be just 1 of the 9 board members and would not be in a position superior or inferior, so far as that is concerned. Perhaps, Mr. Downs, rather than saying the governor would be down graded to the level of the other board members, maybe the better explanation would be that the other board members would be up graded in this particular instance to the status of the governor.

MR. DOWNS: Well, thank you. I appreciate the chairman's remarks. I do feel when he said it was the hope—and I am sure he expressed the hope of the committee—I am a little more inclined to be concerned that, people being what they are, this would not end up with the independence we now have in the educational system. I again speak in favor of the amendment to delete the last sentence. Thank you.

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

MR. MARTIN: Mr. Chairman, I looked on this addition of the governor to the state board of education with some doubt in my own mind, in the first instance.

I have given it considerable thought since then and tried to recall what effect the presence of the governor had, for example, on the state administrative board. At the time that I had anything to do with it, of course, there were a majority of one party on the board and the governor was of another party; but it didn't seem to me that, in general, insofar as discussion was concerned and consideration of the matters which came up, that the governor made any more news, so to speak, or dominated the public picture of what was going on on that board than any other member of the board. To the extent that he was vocal, of course, he perhaps got some additional press copy, but other members of the board were vocal too, as I am sure the members of this board would be, and they received as much attention from the press as the governor did. So that it doesn't seem to me that his presence on this board means that in any way he would dominate the board.

On the other hand, his presence on the board does give the board additional importance and prestige because he is the principal officer of the state, and his presence there and his knowledge of the problems that the board is taking up seems to me to be very important. He has to make recommendations to the legislature in regard to what is going on with regard to the educational system, and this seems to me the very best way for the governor to obtain his information, that is, by a membership on the board where these problems are being discussed and considered.

So that, on reflection, it seems to me that committee has made a wise choice and has made a sound proposal which will benefit the state board of education and give it increased prestige and standing.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Garden City, Delegate T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, I rise in support of the amendment. To delete the governor's position on the state board of education, I think is sound.

In our committee, originally, there were, I would say, 2 factions in regard to this particular problem. There were those of us who felt we had to save the right of partisan elections of the members of the state board rather than submit to the wishes of the other faction which wished to have the governor appoint everyone all the way down the line. At one stage in our deliberations and voting, we were having the governor appoint the members of the board of education and also the superintendent. The last sentence including the governor on the state board of education was accepted by us—I am speaking of a few of us; and Miss Conklin, I think, was in that group—as a compromise situation.

I am very gratified to see that there is genuine desire to eliminate this type of interference in the educational process and am very happy to desert what I think is now a sinking ship, because there simply wasn't any reason for it. It was one of these compromises arrived at in a very crucial moment and everyone felt that—let's say this: I personally felt that by accepting this particular thing at this time, I would assure that the members of the board of education, at least, were elected; and this was the primary thing I was concerned with.

I, therefore, support the amendment.

CHAIRMAN POWELL: The question is now on this pending amendment by the distinguished group of bipartisan sponsors here. Chairman Bentley.

MR. BENTLEY: Mr. Chairman, ladies and gentlemen, I think, first of all, Mr. Chairman,—and I am not trying to be facetious—but when my friend from Garden City talks about a sinking ship, he should reflect on the choice of his words because there is an old proverb about those who are first to leave a sinking ship. (laughter and applause) I'm sorry, but I couldn't resist that one.

Mr. Chairman, ladies and gentlemen, the committee, as has been indicated by those members who have spoken on this question, has given this matter a lot of serious consideration and thought during our deliberations. I appreciate the position and the remarks of the sponsors, the cosponsors of the amendment. I was interested in hearing the names read off, particularly the last one.

I said some time ago, if I recall, that some future historians were going to have a field day figuring out the interesting and fascinating coalitions that have arisen or will arise as the result of this convention but, seriously, Mr. Chairman and ladies and gentlemen of the committee of the whole, we did have, I think, at least the majority of us on the committee on education, good and sound reasons for making the governor a ninth member. As I indicated to the gentleman from Detroit, we were not trying to down grade the governor. We were not trying to, on the other hand, make of him a dominant person or individual. Rather, we were attempting as best we could to, in the first place, point out the tremendous importance with which we view the activities and the future competence and jurisdiction of the state board of education. We were trying by placing the governor on the state board of education to provide a direct tie in with the executive branch of the state government. By placing the governor on the board we felt very sincerely that the governor could make a very real contribution through his knowledge of the budget. through his influence on the board. On the other hand, we felt at the same time that by being on the board and by being, we hoped, privileged to attend many of its meetings, the governor in turn could perhaps become more aware of the great needs of public education at all levels in this state than he would normally have time for.

I say again I think that we had a very sound and a very constructive reason for making the governor a member of the board of education. We do not believe that it will inject partisan politics unnecessarily because, after all, he will only be 1 of 9 members, but by placing him on the board I believe we will highlight the importance with which we view the state board of education for which everybody seems to have praised us, as far as our new comprehension of the board is concerned. We do trust that before voting on the pending amendment, you will try to see the reasons of the committee on education, that is the majority of its membership, in making him a member of this board and will keep in mind particularly the words of Mr. Romney, who said—and I subscribe to them wholeheartedly—that the activities of this board as we have conceived them on the committee on education could very well save the state more money than this entire convention has cost us.

That is the way we have visualized the board. That is the way we have set it up. That is the way we have created it. I hope very much that you will not diminish or infringe upon the picture of the board as we have so fashioned it and formulated it in the committee and as we present it to you here. I hope that you will support the committee and will vote down this amendment.

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

MR. POLLOCK: Mr. Chairman and members of the committee, I find myself in the position of supporting the committee and, particularly, of agreeing with the very cogent argument which Delegate Martin has just made. I see no reason why we should view this very original suggestion of the committee—I don't care whether it was a compromise or not. It seems to me to be an original contribution to the relationship between the regular political processes of the state and the educational system.

I think instead of thinking of it merely in political terms: what it will do to the governor and what it will do to the board of education in political terms—that we should think, rather, that today we are in an administrative era. Politics may be ¼ of it, but about 3/4 of it is administration. The problem of education being such a great one and being one of the major problems confronting the governor, it seems to me this is a very happy solution of relating the governor, with his overriding responsibility for the financial soundness of this state and for the administrative harmony of the whole state structure, to allow the governor, as much as he wishes, to be associated with the work of this board and, at any rate, to be exposed to the board and have some relationship to it.

I personally would have preferred it if the committee had had the superintendent of public instruction appointed by the governor. I found that lots of educational people don't agree with me on this, but viewing it again from the point of view of the sound administration of the state, I think this would be a much better way than to have him appointed by the board; but since the committee in its wisdom has seen fit to have him appointed by the board, I think it is a perfectly logical corollary, viewing the rest of the state structure separate from education, to make that link between the board and the governor.

I think, therefore, that the committee view should prevail and should prevail on the basis not merely that it is a new and original idea and a helpful one to bring together educational expenditures with other expenditures but, also, to give the governor in a sense a group of expert persons whose principal interest is education with whom to advise on matters involving educational policy.

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: I rise to second Dr. Pollock's statement here. As a member of the subcommittee and the committee which this came from, I think we have had it mentioned several times now the question that this has been a compromise and, of course, as if the word "compromise" has some connotation that it is not good for either side. I think we ought to understand exactly what the difference was to see how this has sort of brought us together. I refer specifically now to the day that this took place in the committee, the subcommittee had come in with the report that the superintendent be selected by the governor with the advice and consent of the state board of education. We bandied this about in the subcommittee for, I don't know, a few hours, and during the discussion of why this ought to be involved, why the governor and the educational function of the state ought to be more closely allied, many arguments were advanced: what you have heard from Mr. Bentley and from Dr. Pollock that because education is such a major function in this state, the governor ought to in some way have some responsibility for its administration, at least insofar as his office is concerned. So, after all these arguments had been advanced and the vote was taken, that was defeated by one vote on the committee, Dr. Hannah, who was present at that time, made the suggestion that since we were so concerned and since many members of the committee had expressed the concern that the governor ought to participate in the educational administration of the state and ought to participate in the policymaking function of the board to some extent—because it would be his job to implement this—that he made the suggestion that we put the governor on the state board of education. At that time, many members of the committee felt that this was a wedding together of 2 divergent factors, that this made for a more solid and unified educational structure in putting the governor into this educational framework.

I think that the analogy that has been made by Delegate Martin is well taken that the governor, as a member of the state ad board, is able to participate fully in the decisions of that board, and I think that the presence of the governor on the state board of education will give status to that board. It will show to the people of the state the urgent need of education and the overall responsibility that education has. I think it is a step forward in bringing this together, and in so doing I think that the committee has acted wisely, and I support the committee report and speak against the amendment.

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

MR. HUTCHINSON: Mr. Chairman and members of this committee, I rise in support of the amendment now before you and speak to it because on some things, I suppose, we all feel strongly and this is a matter about which I have a strong feeling. I am concerned about the relationship of the governor

to his entire administration. Somehow or other I never have been able to see the logic or the wisdom in making the governor a member, if you please, of the several departments which are under him.

Now this state board of education and its superintendent of public instruction which will be its executive officer is a department in the state government. True it is that this matter of education is one which, according to Mr. Romney, will relate to the expenditure of at least ½ the budget in the state, but that is only ½ the budget. There is another ½ that relates to a lot of other things. The governor, if he can logically be made a member of the board of education, logically should be made a member of all the other departments under him, and I don't think that that is what we want. I understand that the idea was to build a strong governor in this state, and if we have a strong governor he has got to be above all these departments.

I daresay that I can imagine that some governors might very well be embarrassed by their membership on this board of education. They would much prefer, I am sure, not to be a member of it but to require it to answer to him in writing just as other departments must be required to answer to him in writing. His position as a voting member of this board and with not even the chairmanship thereof cannot in my mind but degrade him.

If the other course of action actually comes about as has been described here, he will so completely dominate the board that it will lose its proper function and become merely his adjunct. Now whether he dominates the board or whether he becomes embarrassed by it probably will depend upon the particular governor. Some men will approach the office differently than others. Some men will approach the office of governor in greater degrees of strength both political and popular than would others. Some governors will become governor with a greater sense of direction and a dominance that other governors will not have. Now it doesn't seem to me to be wise at all to make the governor a member of this board any more than it would be wise to make him a member of any of the other departments over whom he presides.

Mr. Martin made reference to the ad board, made mention of the fact that the governor was a member of the ad board and that there were other members of it. But it has always been my understanding that the governor was the chairman of the ad board, and that while in the early days under Governor Groesbeck the governor had an absolute veto over the ad board action, in later days that he doesn't have the veto, nevertheless he is the chairman. I am sure that in the opinion of most of the people of Michigan he is the dominant member of the ad board. I am sure that most of the people of Michigan have always thought of the state administrative board as kind of the governor's cabinet and that the governor presided and actually dominated that board. Now, it may have been, in a couple of terms back when Mr. Martin was a member of the ad board, that that was not true, but in the long run and in the ordinary course of things the governor as chairman of the administrative board will dominate it. I am sure that he will dominate this state board of education in the same way, and I do not think he should.

If this is a compromise coming out of the committee of education, it just goes to prove in my mind, at least, that not all compromises are good; they are unfortunate. I hope that even though the committee found it necessary to compromise in order to get something resolved and out on the floor that the floor will not feel obligated to accept this compromise, because the compromise of placing the governor on the state board of education as simply a common member thereof is very poor policy indeed. In fact, I cannot believe—every time that the governor of Michigan comes into this room or before any other department or any other group of citizens in this state, we all stand in honor of the office. We give him that recognition. He could not come into the state board of education without ipso facto by reason of his presence becoming the chairman, at least for the time while he was there. The position of his office would demand it. Whether or not he were legally the chairman, he would actually be the chairman.

As I say, I can imagine that a good many times the governors of Michigan would be embarrassed, perhaps, by their membership on that board because they would not, perhaps, feel quite as free to call the board to answer to them as they would to require other departments to answer. He should require that department of education to answer just as he requires the department of conservation or the department of state or the department of the treasury or anything else.

I rise in support of this amendment and I think it would be a poor decision indeed if this constitutional convention should go to the people with a provision in a constitution which would reduce the governor to a mere member of the board of education.

MR. ROMNEY: Mr. Chairman.

CHAIRMAN POWELL: The Chair recognizes Delegate Romney, for a reply.

MR. ROMNEY: I must admit that I am somewhat confused by some of the statements that are being made. Mr. Hutchinson just closed with the idea that the governor would be a mere member of the board of education and yet in the course of his discussion he talked about the governor dominating the board of education. Now I submit he cannot be both at the same time. He has either got to be just a member of the board of education or, as Mr. Hutchinson said, he is going to dominate it.

I don't think he is going to dominate it, and I want to tell you why. Number one, while this particular form is novel in that the governor is the only administrative officer on the board of education other than the members of the board of education, this is not completely new. The state of California has established new educational boards in the last 2 years after 2 years of study and they have made both the governor and the lieutenant governor members of these boards of education. Now this is not something completely new.

I think it is important to understand exactly what we are talking about here, and I don't think it has been completely stated yet. This elected board is an independent board. The men elected to that board are elected by the people of this state, and as such they are in a position to take an independent position as members of that board. This independent board of 8 has been given the authority and the responsibility of appointing the superintendent of public instruction.

I was one of those on the committee who shared the view expressed by Dr. Pollock that the sound approach would have been to permit the governor to appoint the superintendent of public instruction, so that the official member of his "family" responsible for education would be a man who had some responsibility to him. Now this did not happen. It was the decision of the committee to make the board of education completely independent of the governor by their separate election and, also, to make the superintendent of public instruction completely independent of the governor by permitting the board of education to appoint the superintendent of public instruction.

There were those on the committee who took the position that education is a fourth branch of government and that we should recognize that there are 4 branches of government and not 3, that education should be set up independently of the rest of the administrative and executive branch of the state government, and should be independent of the legislative and the judicial. I personally do not subscribe to this viewpoint. I do not believe there are 4 branches of state government. I believe that education insofar as it relates to the administrative and the executive part of the state government is an area for which the governor has some degree of important responsibility, and he is so held by the people of this state. Certainly, the governor is the primary person responsible for submitting the budget of this state, and 50 per cent of that budget is to cover educational expenditures.

If you approve the amendment that you are proposing, what you are proposing to do is to divorce the governor from any direct relationship or responsibility for the educational program of this state. Now this talk about his being able to require things in writing and to handle this matter in some other way is contradicted by the experience cited by Mr. Martin and

others where independently elected members of the administrative board have gone their own course; and this board has purposely been put in the position where they are independent and they have purposely been put in the position where they can appoint the superintendent of public instruction, so that the superintendent of public instruction can be taken out of politics to the maximum extent possible. This is the minimum relationship between the governor, and his total administrative and executive responsibility, and the educational program of this state.

If you support this amendment, in effect you are saying that the governor of this state should have no administrative or executive responsibility. You deprive him of even the expert advice of people responsible to him in any way for the educational program of this state, because the members of the board of education aren't responsible to him in any way, the superintendent of public instruction is not responsible to him in any way, and you would divest him of the help he needs in the discharge of his responsibility. All that this proposal makes possible is for the governor to be 1 of 9 in shaping these policies, being familiar with them, and 1 of 9 in the appointment of the superintendent of public instruction, who is to be a member of his own official family.

I think the key question here, the key question here is whether you want to divorce education completely from the governor's administrative and executive responsibility. I think this would be a mistake. I think it is important in terms of the proper conduct of state government; it is important in terms of the future of education in this state that there be a tie in here that avoids domination. I want to close by saying that Mr. Hutchinson cannot be right on both points and neither can Mr. Brake. In other words, the governor cannot both be just a humble member of this board and dominate this board at the same time, because that is a patent inconsistency.

MR. BRAKE: Mr. Chairman.

CHAIRMAN POWELL: Unless you have a very preferred position here to answer a propounded question, you would be about number 5 on the waiting list. Are you offering an amendment? You are one of the sponsors of the pending amendment. The next person to be recognized is the delegate from Garden City, T. S. Brown.

MR. T. S. BROWN: Mr. Chairman and members of the committee, we have come very close to home on this particular issue, very close to home. When I mentioned my last time here at this microphone that we—certain of us as members of the education committee—were subjected to pressure by those people who wanted the governor to appoint everyone all the way down the line, I was not apparently whistling "Dixie" because we have just heard an exponent of that particular point of view.

Now, speaking for us "rats", in answer to Chairman Bentley, and also in answer to Dr. Pollock, I think what has happened here in the objections to the present amendment is that we are confusing substance with form. The substance of the matter is that the governor is the governor is the governor is the governor, and the board of education is the board of education, et cetera. Whether or not the governor is a member of the board of education does not add or detract from his powers to influence or take responsibility for their actions. If we are going to use an artifact of placing the governor on a board to insure that he either dominates or becomes subservient to, we are doing an illogical thing.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Pontiac, Delegate Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, to be absolutely consistent, I must rise in support of the amendment. I am a member of this committee on education and I voted against the governor being a member of the board, and I also voted against him having the right to vote. And I agree with Dr. Pollock and I agree with Mr. Romney that there should be some connection between the governor's office and the education department. I have offered an amendment in the next section to accomplish what they had desired, and that is to allow the governor to appoint the superintendent of public instruction. I think that this is the fairest way to get this line between the governor's office and the education department. Dr. Pollock thought that was the best. Mr. Romney said that was his position, but this was the compromise. I still think it is the best. I am absolutely opposed to the governor being on the state board of education, and I would like to ask the chairman of the committee, Mr. Bentley, if he would be willing to pass over section a and go to section b to see if this committee agrees with us: that the governor should appoint the superintendent of public instruction with the consent of the state board of education, so the educational people will have the veto power, and then we can decide the other issue once and for all.

MR. BENTLEY: Mr. Chairman, if the gentleman is making a motion to pass section a at this time, I see no particular objection to it.

MR. KUHN: Then I so move, Mr. Chairman. I make the motion that we should pass over section a and go to b.

CHAIRMAN POWELL: The motion is in order.

The question is on the motion by Delegate Kuhn to pass section a temporarily and go on to section b. Are you ready to vote? All in favor of the Kuhn motion signify by saying aye. Opposed, no.

The motion does not prevail.

A DELEGATE: Division.

CHAIRMAN POWELL: There has been a demand for division. Is the demand seconded?

SECRETARY CHASE: A sufficient number.

CHAIRMAN POWELL: The question is now on the motion that we pass section a temporarily and proceed with consideration of section b. We will vote using the machine and those in favor will vote aye; those opposed will vote no. The question is on the motion by the delegate from Pontiac, Mr. Kuhn, that we pass section a temporarily and proceed to the consideration of section b. Of course, there is a pending amendment, as you are aware, to section a, which will be to that part of this section. Sixty seconds having elapsed, the secretary will lock the machine and tally the vote. The secretary will announce the ballot.

SECRETARY CHASE: On the motion of Mr. Kuhn to pass section a temporarily and proceed with consideration of section b, the yeas are 46, the nays are 62.

CHAIRMAN POWELL: The motion does not prevail. The question is now on the amendment by Delegate Boothby and 8 others. The next person on the list is the gentleman from Marshall, Delegate Hatch.

MR. HATCH: Mr. Chairman, I would like to direct a question to Chairman Bentley, who also was a member of the committee on executive branch. In Committee Proposal 71 by the executive branch, the committee has recommended that executive agencies, boards, commissions, et cetera, be reorganized into not more than 20 principal departments. Now, it would be my assumption that education would be one of those principal departments. I wonder if the chairman of the education committee would agree with that?

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Most completely.

MR. HATCH: Now, in section d of the same proposal, it is provided, "Each principal department shall be under the supervision of the governor." My question is, if a department of education is to be one of the principal departments and if the principal departments are to be under the supervision of the governor, how then, can he supervise himself?

MR. BENTLEY: I will be glad to reply to the gentleman from Marshall that we did not have reference, of course, specifically to the state board of education. I think insofar as we were seized of this matter, we were referring to the department of education, which is one of the 20 departments.

MR. HATCH: Would it not be true that the governor by virtue of his authority as governor and by virtue of the language in Committee Proposal 71, if adopted by the convention, would have general supervisory power over the department of education?

MR. BENTLEY: The department of education, yes.

CHAIRMAN POWELL: The Chair recognizes the lady from Highland Park, Delegate Donnelly.

MISS DONNELLY: I rise to support the amendment, naturally, since my name is on it. In an attempt to analyze this, to me it seems the big argument for having the governor on this committee is because of his knowledge of the budget and his knowledge of the amount of money that is going to be involved. Well, maybe it is not particularly pertinent or deep, but the youth of the state is going to be involved here and I think the parents are deeply concerned, and maybe they should be on it too. for the reason that they are that way.

I am sure, though, that basically we are more interested in the kind of education that is going to come out of this. Last week we voted to increase the board of education for other institutions, to allow more members on the theory that Dr. Hannah said it was more important that people understand the functions of the board, that they cannot get to know them quickly, that they must have a period of time to be on them to function most adequately. I am sure that both parties in selecting their nominees for the office will do their best to get the most qualified people to represent them on this board, but I am also sure that they are not going to select one of the most qualified educators to be governor of the state, because this isn't the function that he must have the greatest asset and the greatest ability in.

To me to put a governor on this board would be in the long run to weaken the board, because of the lack of experience that this individual would bring to that board. The fact that he would not be there frequently, he would send a deputy, would also indicate that it isn't considered to be very serious that the governor be there.

Now in answer to the question that Mr. Romney posed to Mr. Hutchinson as to how we could have him influence the board in some instances and yet not in the other, and to be an improper and incomplete and illogical argument, I would support Mr. Hutchinson's argument by saying I think he missed the point that he said it would depend upon the governor, and how he was elected, and the number of people elected from that party on the board, and the personality of that governor. In many instances we could have a very weak governor on the board or we could have a strong governor on the board, but in neither instance would we primarily have an educator on that board in the form of a governor.

I therefore recommend supporting the amendment to this proposal in hopes that this will also strengthen our educational system which is most vital.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Stanton, Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, it seems to me that Mr. Romney's view of how this would work is a very long distance view. Some of us have been around close enough to know how these things actually work out, and certainly they are going to work out with the governor dominating this board. In the ordinary course of events, the board will in the majority be members of the governor's party. That will not always be true probably, but generally. If he is strong enough to win, he will carry most of the ticket with him, and certainly the members of his party on that board are going to watch him for their leadership. There isn't any question about that. That is just one of the facts of life. Now, should there be a majority on the other side, or just a minority on the other side, that minority and the governor are going to sit on opposite sides of the table watching each other for political moves.

Ordinarily, that is a good thing in the right place. I think it is a good thing if the legislators watch each other, the opposite party, kind of keep a check on what they are doing. I rather think it is all right on the administrative board. I kind of like that idea of watching each other, but I don't think it belongs in this department of education. If we want to get this out of politics, the very worst thing we can possibly do is to put the governor on that board.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Muskegon, Delegate Danhof.

MR. DANHOF: Mr. Chairman, I find myself caught between 2 particular fires in this particular case; however, I am inclined to agree at this time with the committee proposal. I was impressed somewhat by the argument made by Dr. Pollock from Ann Arbor, and I think perhaps we are being worried too much by something that might be new, and, therefore, we have a natural tendency to fall back on what we know. As we all know, the educational requirements of this state are going to increase tremendously, and while it may be half of the budget now I can envision where it may go up to 60 or 65 or 70 per cent of this state's budget. If the population figures predicted for this state come true, then the education of our youth and our young people will be probably the most important policy decision that any governor may have to make when he campaigns for that particular office.

I hear the arguments of Mr. Hutchinson and Mr. Brake on how things have worked in the past on certain other boards, but this is something particularly new. Unless he is there or his deputy or someone to help formulate the policy or to, at a minimum, explain the position of the executive and how he feels on certain proposals, I think that we will be doing a disservice to the state.

I think if we propose an independent board, we will be getting to not only a fourth branch of government, maybe, but a fifth—it has been argued that the civil service is already the fourth—so now we will be constituting a fifth branch of government. I think the liaison of the knowledge will be something that we should bear in mind. I would therefore urge, and I myself will support the report of this committee.

MR. BLEDSOE: Mr. Chairman.

CHAIRMAN POWELL: The Chair recognizes the gentleman from Detroit, Delegate Bledsoe.

MR. BLEDSOE: Mr. Chairman, my fellow delegates, certainly we are confronted here with one of the most important problems of our state. It so happens that I am simply sharing my experience here with you in this same problem, because I had the good fortune and experience to serve as an attorney for a school board. I want to say to you that contrary to what Mr. Brake has said, most of your problems that come up from your school districts are not political problems. This is my experience over a period of 6 years. There are a great many other problems, and sometimes those problems find themselves leading you and your independent school districts right to the superintendent of public instruction, because the local boards, as you know, by law are independent. They are just as independent as they can be made by law. Now, I see in the proposal that you have taken away the right of the people to elect their superintendent. You have put it in your board. I think that was a mistake, but we may have to go along with that.

My experience with boards so far is that if you want to get somebody, a group of people on a school board who can sling the book and pass the buck, just try a school board. So when you have a situation like that, where does that leave the people? It leaves the people in one position and that position is to walk into your governor's office with a bridle in your hand, put the bit in his mouth, and make your demand there, because you can't do that with ½ dozen members more or less of a school board because you would have to have too many bridles. Do you get what I mean? Now that has been my experience. The people will be left out. I am only giving you this as a part of my experience. Take it for what you want, but somewhere in some of these problems that come up from the school districts the people will be left completely out if you don't have some strong central authority, to go somewhere to take your problems; and the majority of those problems, believe me, are not political.

I therefore—since the proposal has taken away the strength that ought to go with the election of your superintendent; you have made the superintendent amenable to the board; I am prepared to say to you since you have done that he is going to get together with the part of the people that he can get along with on the school board and the rest of them will

be silent. That's the way that works. There will be a little clique there. He will get along with them. He will get himself a majority on that school board you have put there, and as long as he can operate within the framework of the majority of the people on that school board, the rest of them can go to fire. Believe me, that's the way it works. That's the way it works on the local level and that's the way I believe it will work with the board.

And the people, then? What happens to them? I repeat: if they haven't got some place that they can go and say, "Here, this is your responsibility. You take this problem. You lead us out of it or we will meet you at the polls, at the voting booths." That is a great leveler.

CHAIRMAN POWELL: For some time the Chair has thought that each speaker was the last on the list, but there still is one more. Dr. Anspach.

MR. ANSPACH: Mr. Chairman and members of the committee, when this was first proposed—and I am a member of the committee on education—when it was first proposed I had my doubts, because it was new. I remember, however, that Mark Twain said many years ago, "I have suffered many hours of ill in anticipation of difficulties which have never occurred." So, therefore, when something new comes up, we do have our fears and we do anticipate difficulties and problems, and this is correct. I don't doubt that some of the things can happen that have been prophesied today.

I, too, am in favor of taking education as far away from politics as you can. Whether it is taken away or not depends upon not so much the form as the individuals who are active in connection with the activities of education. I think that education needs this tie in. I, too, have heard people say that we have a fourth branch of government. I think the tie in here with the governor is good for education. I think it is good for the governor. I don't believe that a governor can dominate—there is a possibility he can dominate a board; this is true—on the other hand, an elective board of outstanding individuals undoubtedly could resist the governor. I think it is a very good check, but I don't believe that he can dominate all boards; he might dominate some. So I support the committee report and am opposed to the amendment.

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: Mr. Chairman, I understand that there was another committee that had scheduled a meeting as soon as we finish this afternoon, and hoping to complete that by supper and in view of the fact that the hour is getting late, I move the committee do now rise.

CHAIRMAN POWELL: The question is on the motion by Chairman Bentley that the committee do now rise. All in favor say aye. Opposed no.

The motion does not prevail.

A DELEGATE: Division.

CHAIRMAN POWELL: There is request for division. Is the demand supported?

SECRETARY CHASE: A sufficient number.

CHAIRMAN POWELL: A sufficient number up. The question is now on the motion of Chairman Bentley that the committee do now rise. Those who are in favor will vote aye; opposed, vote no. Sixty seconds having elapsed, the secretary will lock the machine and tally the vote. The secretary will announce the result of the ballot.

SECRETARY CHASE: On the motion that the committee rise, the yeas are 60, the nays are 49.

CHAIRMAN POWELL: The motion prevails and the committee rises.

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

VICE PRESIDENT HUTCHINSON: The convention will be in order. The Chair recognizes the delegate from Ionia, Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, the committee of the whole has made definite progress of which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 98, A** proposal pertaining to the educational institutions of the state. It reports this proposal back to the convention with 6 amendments, recommending the amendments be agreed to and the proposal as thus amended do pass.

The following are the amendments to Committee Proposal 98, which have been recommended by the committee of the whole:

1. Amend page 1, line 16, after "institutions.", by inserting "Formal sessions of governing boards of such institutions shall be open to the public.".

2. Amend page 1, line 20, after "university" by striking out "of Agriculture and Applied Science"; and page 2, line 1, by striking out "of Agriculture and Applied Science"; and in line 9, after "principal" by inserting "executive".

3. Amend page 2, line 13, after "law.", by striking out "Vacancies shall be filled according to law.", and inserting "The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.".

4. Amend page 2, line 23, after "vote" by striking out the comma and "and preside at meetings of the board.", and inserting a period and the sentence "The board may elect one of their number, or may designate the president, to preside at board meetings.".

5. Amend page 3, line 1, after "which shall be" by striking out "operated" and inserting "supervised and controlled".

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

The ayes have it. The amendments are adopted.

SECRETARY CHASE: Mr. Downs and Miss Hart offer the following amendment to Committee Proposal 98:

1. Amend page 2,—

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: I rise to ask a point of parliamentary inquiry. I know it is late in the day. If the convention would rather adjourn, we would be glad to carry these over until the morning. It is whatever the convention and the Chair recommend.

VICE PRESIDENT HUTCHINSON: It would be in order, Mr. Downs, if you wanted to, to move to postpone further consideration of Committee Proposal 98 until tomorrow.

MR. BENTLEY: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Will the gentleman yield? May I suggest that his amendment be read before any further motion is in order?

VICE PRESIDENT HUTCHINSON: Yes.

MR. DOWNS: I will yield to the chairman of the committee.

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment which is now being offered.

SECRETARY CHASE: Mr. Downs and Miss Hart have filed the following amendment and there are several others that are on file:

1. Amend page 2, line 26, after "governor" by striking out "in a manner similar to other executive appointments as provided in this constitution.", and inserting "with the advice and consent of the house of representatives.".

Do you want me to read the others, Mr. Downs?

MR. DOWNS: Yes, if the chairman of the committee so desires.

MR. BENTLEY: If you will, sir, Mr. Secretary.

SECRETARY CHASE: Mr. Downs and Miss Hart have also filed the following amendment:

1. Amend page 2, line 26, after "governor" by striking out "in a manner similar to other executive appointments as provided in this constitution.", and inserting "unless rejected by the majority of a select committee of 10 members of the senate, 5 selected by the majority party and 5 selected by the minority party.".

Brake	Howes	Sablich
Buback	Iverson	Sharpe
Butler, Mrs.	Kelsey	Sleder
Danhof	Kirk, S.	Snyder
Davis	Knirk, B.	Spitler
DeVries	Koeze, Mrs.	Stafseth
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Thomson
Douglas	Lesinski	Tubbs
Downs	Liberato	Turner
Durst	Martin	Tweedie
Elliott, A. G.	McAllister	Upton
Erickson	McLogan	Van Dusen
Everett	Mosier	White

SECRETARY CHASE: On the amendment offered by Mr. Faxon and others, the yeas are 49; the nays are 75.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

Committee Proposal 98, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 98 as amended and referred to the committee on style and drafting:

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

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

Sec. b. 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. The respective boards shall have the general supervision of their respective institutions and the control and direction of all expenditures from the institution's funds; they shall, as often as necessary, elect a president of the institution under their respective supervision who shall be the principal executive officer of the institution, be an ex officio member of the board but without the right to vote, and preside at meetings of the board. The boards of each institution shall consist of 8 members who shall hold office for 8 years and who shall be elected according to law. The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.

Sec. c. Other institutions of higher education created by the legislature having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate; shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds; shall, as often as necessary, elect a president of the institution under its supervision who shall be the principal executive officer of the institution, be an ex officio member of the board but without the right to vote. The board may elect one of their number, or may designate the president, to preside at board meetings. Each board of control shall consist of 8 members who shall hold office for 8 years and who shall be appointed by the governor in a manner similar to other executive appointments as provided in this constitution. Vacancies shall be filled in like manner.

Sec. d. 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, planning for such colleges and requests for annual appropriations for their support. The board shall consist of 8 members who shall hold office for 8 years and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction will be an ex officio member of this board without the right to vote.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 47;** has considered some amendments thereto; has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Special orders of the day.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: **General orders of the day.** The Chair recognizes the delegate from Ionia, Mr. Powell.

MR. POWELL: I move that the convention resolve itself into committee of the whole for consideration of general orders.

VICE PRESIDENT HUTCHINSON: All those in favor will say aye. Opposed will say no.

The motion prevails. The committee will convene and the gentleman from Ionia will preside.

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

CHAIRMAN POWELL: The committee will be in order. When we rose yesterday afternoon, we were in the midst of consideration of **Committee Proposal 47,** A proposal to replace sections 2 and 6 of article XI.

For last previous action by the committee of the whole on Committee Proposal 47, see above, page 1188.

Messrs. Boothby, Brake, Dean Doty, Leibrand, Finch, Sharpe, Dehnke, Miss Donnelly and Mr. Downs had offered the following amendment:

1. Amend page 1, line 16, after "law.", by striking out "The governor shall also be a member of the state board of education.", and all of line 17.

There had been considerable debate of that, but it was not settled when the committee rose. The question is on the amendment. The Chair recognizes the gentleman from Bloomfield Hills, Delegate Romney.

MR. ROMNEY: Mr. Chairman, it seems to me there are certain additional facts that the delegates ought to be familiar with in dealing with this highly important matter. As a matter of fact, I consider this one of the most important matters that will come before the convention, not only because of the current importance of education in our state's total program, representing as it does, 50 per cent of our total state expenditures at the present time, but also because, as we look to the period ahead and the meeting of the educational requirements of the youth and adults of our state, it is readily obvious that this will be an increasingly great expenditure in our total state picture. Consequently, the plans we make to this matter at this time will importantly shape the ability of future state administrations to meet this need soundly, economically and efficiently.

I think, first, we should have a somewhat clearer understanding of this new board of education. This is not a board of education such as we have had in the past. This board of education is based on new concepts. This board of education has been upgraded a great deal. This board of education has been given overall responsibility for the state's part of our educational program, and this includes the supervision of the primary and secondary and other instructional institutions,

the community colleges, and the planning and coordinating responsibility for all of the institutions of higher education, as well as the responsibility of reviewing the total budget requirements of all education, insofar as the state is involved.

The statement was made yesterday that this board is going to be composed primarily of professional educators. This is not correct, and this is not the purpose. As a matter of fact, this is not correct on the basis of the present composition of a board with much lesser responsibility. Two of the present 3 members of the state board of education are not professional educators. I refer to Mr. Magnusson and I refer to Mrs. Robinson, a housewife. One is a former professional educator. I submit that the former chairman of that board who is president of this convention, while he had had educational experience in his background, was not identified as a professional educator when he became a member of this board and served as its chairman.

I believe I am expressing the viewpoint of those educators who were on the education committee, and we had a goodly number, in saying that it is their hope that the new board of education will be composed importantly of people of lay stature, who can combine their broad knowledge of our needs with that of the professional educators who will be making recommendations to them in determining the future educational program of this state. In fact, I think it would be accurate to say that the professional educators will be greatly disappointed if this new board is composed importantly of professional educators or ex professional educators.

Based on such knowledge as I have of the educational needs of this state — and I have devoted more than the usual amount of time to educational matters in recent years — I can say, without any qualifications, that one of the greatest deficiencies in meeting our educational needs in this state is the willingness of noneducators to participate in shaping the educational programs of this state and of the local communities in which people reside. Indeed, there can be no successful educational program that does not involve parents as well as children, and this is true all the way up the line.

Let's get down to the basic issues that are involved here. It seems to me there are 2 basic issues that are really basic issues. One is this issue of whether or not we believe we should set up the educational program on a completely independent basis, and I mean independent from the chief executive of this state; or whether there should be some reasonable tie in between the chief executive and the educational program of this state. I know there are those who indicate that this tie in might be indirect or surreptitious through the convention mechanism. As far as I am concerned, this is a hazardous approach, it has not proven dependable in the past because it would be unfortunate, in my judgment, if this new board of education should be approached on the premise that people are going to be nominated to run for this board of education that the governor can control when they get onto that board of education.

This is not the concept, and this hasn't even proven true in all instances where the governor has been able to influence, through the convention, the nomination of people to the ad board. As a matter of fact, this independent election of state officials has confronted us with a situation where it is really up to the individual involved to decide whether he wants to take a completely independent course, independent politically and administratively or whether he wants to be a part of the executive administrative team.

It is not intended that this board of education be composed of people who are prepared to sacrifice their independence. As a matter of fact, the very purpose here is to elevate this board of education to a stature where it will attract people who will devote themselves on the basis of personal integrity and conviction to the meeting of the educational requirements of this state, and anything less than this is not going to be satisfactory in meeting our needs.

As far as I am concerned, what the educational committee has proposed is acceptable. It is not what I prefer. Let me make that quite clear. What the educational committee has recommended unanimously — because this followed months of deliberations, it followed months where we were widely divided; when we first commenced this discussion of providing an overall board to supervise, in a planning way, the total educational program of this state, there were members of our committee who were violently opposed to it. And over a period of 4½ months, the education committee has worked hard to arrive at a recommendation that represents the best thinking of a wide diversity of representation on that committee. About half of that — perhaps not quite half, but a goodly portion of the members of that committee — are professional educators. Consequently, this committee recommendation reflects the combined judgment of the educators and the laymen on this educational committee, and was made on a bipartisan basis.

This committee proposal is acceptable because it does provide a minimum tie in, and I emphasize a minimum tie in — I think anything less than having the governor a member of this independently elected board would be to eliminate any effective tie in between the educational program of this state and the chief executive of this state. I submit that when you consider the importance of this educational program currently and in the future, it is unthinkable to expect the chief executive to discharge the responsibilities of his office effectively without at least having a ringside seat and a degree of participation in shaping the policies and the programs of an educational character. To completely eliminate him from this board, as would be done under this amendment, and to give him no direct tie in — because this would eliminate any direct relationship between the chief executive of this state and the board of education and the superintendent of public instruction, because under the committee's proposal, the superintendent of public instruction is appointed by the board of education; he is not responsible in any way to the governor. He is a creature of the board. We clearly discussed in our committee meetings the fact that by making him a creature of the board, it permits this board of education to defy the governor in terms of the replacement of a superintendent of public instruction that the board considers to be competent and that a governor might want to replace.

I think if you will take a look at the character of what is being proposed here, that this is a fact, that the board has control, the 8 members of the board have control, and if they select, as they should, the most competent educator that can be secured to head up this most important area, representing 50 per cent of state expenditures, and in their judgment he is discharging the responsibilties of his office competently, then they are in a position to defy any political influence in undertaking to replace that superintendent of public instruction. We have purposely given the board of education the right to determine the term of office of the superintendent of public instruction so that we can get a superintendent of public instruction that is removed, as nearly as you can remove and should remove, because you shouldn't remove completely from political considerations, because when you talk political considerations, you are talking basically giving the people an opportunity to voice themselves in these matters, in its ultimate form. But, removing the superintendent, as nearly as possible, from capricious or individual political considerations.

As far as I am concerned, the preferred setup would be the one that was discussed here yesterday, and this was a provision that received a great deal of debate in the committee. There was a very close division on this point in the committee. At one point, this provision prevailed and represented the majority viewpoint. Subsequently it did not. My preferred position, as an individual member of that committee — and I know this is the preferred position of some of the members of the committee — would be that the superintendent of public instruction be appointed by the governor, and that the governor not be a member of the board of education —

MISS HART: Point of order, Mr. Chairman. Are we debating section b? Are we debating section a? Just what are we talking about?

CHAIRMAN POWELL: We are debating the amendment offered by several delegates here.

MISS HART: And this is on section a, is it not?

CHAIRMAN POWELL: Section a.

MISS HART: Then I would suggest that the delegate is out of order.

MR. ROMNEY: I would like to suggest, Mr. Chairman, that I am discussing the board of education and its responsibilities, and its responsibilities include the appointment of the superintendent of public instruction. You cannot disassociate the 2. They are interwoven and intertwined. For the members of this committee to properly understand section a, it is impossible to discuss them intelligently on a completely separate basis.

CHAIRMAN POWELL: May the Chair suggest that as far as possible, the remarks be directed to the elimination of the sentence, "The governor shall also be a member of the state board of education".

MR. ROMNEY: I will be glad to do so. But again, this relates to this portion of the amendment, because if the amendment is adopted, then the governor would have no relationship, direct relationship with the board of education or the superintendent of public instruction. Neither would have any responsibility to him, and yet the superintendent of public instruction would probably be a member of his official family.

I prefer, as I have indicated, that the governor not be a member of the board of education, which is the immediate point under discussion, but rather that the governor have the right to appoint the superintendent of public instruction. The reason I prefer that is that there must be this tie in, and I submit to you that any governor that appointed an incompetent superintendent of public instruction would be subject to public disapproval in the same way that any president of the United States that appointed an incompetent secretary of defense would be subject to the disapproval of the people of this country. The first issue, therefore, involved in this amendment is whether there should be any direct tie in between the governor and the educational program of this state, and the committee proposal is a minimum tie in.

The second issue involved here is this: is the governor of this state to be the chief executive of this state in fact or only as an illusion? As far as I know, an elemental principle — and I emphasize, an elemental principle in any organization, I don't care whether it is political or economic or social or any other organization, an absolutely elemental principle, an indispensable principle — is that you establish responsibility and grant authority coequal with responsibility, and any other approach is subject to defects and confusion and difficulty, and is subject to the inability to keep, to hold the administrative officials responsible for their acts.

This involves this. One of the biggest issues that we are going to face in this convention is the very simple question of whether we are going to have a chief executive of this state or whether we are not going to have a chief executive of this state. We are either going to give the chief executive of this state authority equal with his responsibility or we are going to fragment his authority and leave him in the inconsistent position where the people hold him responsible but he does not have the authority to discharge that responsibility.

MR. DOWNS: Point of order.

CHAIRMAN POWELL: A point of order is being raised. Delegate Downs.

MR. DOWNS: On the point of order, is the delegate talking on this amendment —

MR. ROMNEY: I am talking on this amendment.

MR. DOWNS: — or on the amendment that Miss Hart and I just offered?

CHAIRMAN POWELL: It seems that he is talking on this sentence about the governor serving on the board of education.

MR. ROMNEY: This bears very directly on this point.

MISS HART: Point of order, Mr. Chairman. I cannot understand how the governor being on the education board has one thing to do with what the delegate is talking about. It would have something to do if we were talking about the appointment by the governor of the superintendent, but the membership of the governor on the state board is not related.

CHAIRMAN POWELL: It seems to the Chair that there were some remarks earlier that were over on to section b, but it seems as though the recent remarks of the delegate have had to do with this sentence.

MR. ROMNEY: Mr. Chairman, thank you, because what I am actually discussing is the question of whether the governor shall have any degree of authority in relationship to his administrative responsibility for education. The governor has a sizable administrative responsibility for education, and this amendment would leave him without any authority whatsoever to discharge that responsibility. That is what we are discussing, and what I am saying is that an elemental principle of organizational structure in any organization is to establish authority equal to the responsibility, and I submit that under the responsibility that the governor of this state has for the total educational program of this state, which represents 50 per cent of his annual budget, which represents 50 per cent of his responsibility for the economical and efficient use of the funds taken from the taxpayers of this state, that it is absolutely indispensable to give him some degree of authority in relationship to his educational responsibilities to the people of this state. Are we going to apply this principle to the administrative and executive authorization of this state, and particularly as it relates to education? That is the immediate question before us.

The present situation that exists in this state, and one that would be developed by this amendment, is unsound organizationally, it is unsound politically, and it is unsound economically. It is unsound in any aspect that you want to look at it because it will deprive this state of the executive and administrative tie in of the chief administrative officer of this state in the biggest single area of administrative and executive responsibility in this state. I am all for the independent board because I believe education should have a degree of independence in this.

In conclusion, this is not an unusual situation. There are 7 states that have the governor as a member of the state board of education at the present time. There are 7 states, and 3 of these states have established this practice as a result of a recent study of their total educational system. I will identify for you the 3 states which have done this as a result of recent studies of their educational programs. The 7 states are Alabama, Arizona, California, Florida, Montana, North Dakota and South Carolina and of these, the ones that have done this as a result of recent studies are California, Florida and North Dakota.

I think there is another pertinent aspect to this situation, and that is that there is a great deal of precedent for the governor being on educational boards. In 13 states, the governor is on one of the major boards of higher education. This appears to be the result of great concern for the proper educational growth in the state, and it is going to take the combination of the board of education, the superintendent of public instruction and the governor to meet the educational requirements intelligently. The 13 states are Arizona, California, Colorado, Connecticut, Delaware, Florida, Kentucky, Massachusetts, Montana, New Hampshire, Pennsylvania, South Carolina and Tennessee.

The history of Michigan is that only about 25 per cent of the members of the state board of education have been professional educators. I submit that this committee proposal represents a minimum tie in between the chief executive and the educational program of this state. It gives us an independent board of education. It gives us a superintendent of public instruction, if the other matter is approved, on a sound basis, and if we are not going to do this, then we ought to establish some more direct tie in between the governor and the state board of education. I accept this as an acceptable tie in. I would prefer the other.

I think that if we were going to take orderly procedure here we would meet the problem raised by Miss Hart. You really cannot consider sections a and b separately. They are linked. This question of how you secure the superintendent of public instruction is related to this section. In an orderly procedure, we really ought to deal with b first and a second. Then we would know whether or not we are going to establish a tie in through the superintendent of public instruction or whether

we would develop it through making the governor a member of the board of education. Thank you very much.

CHAIRMAN POWELL: The Chair recognizes the chairman of the committee, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, the debates of the last few days, the last 2 days to be exact, as well as the point of order raised by the gentleman from Detroit and the lady from Detroit, have shown how difficult it is to separate the 2 sections of this proposal. Perhaps there is no other proposal now pending before the committee of the whole where the 2 sections are more closely interwoven and interlocked than sections a and b are of Committee Proposal 47.

The gentleman from Pontiac, yesterday, made a motion which I thought was a timely and good motion, which I supported, that further consideration of section a be postponed and that we move immediately to the consideration of section b. For that reason, Mr. Chairman, I renew the motion this morning that we postpone further consideration of section a and all amendments thereto and we proceed immediately to take up section b of Committee Proposal 47.

CHAIRMAN POWELL: The question is on the motion by Delegate Bentley that we pass temporarily further consideration of section a and go on to the consideration of section b. Miss Hart.

MISS HART: We went all through this yesterday. Is there any reason why we cannot finish section a? We have one sentence to finish. I do not see the point that the delegate from Bloomfield or that the chairman is making that these are completely related. We are going to be battling on an issue that is not a part of section a at all. This is a clear cut issue on whether the governor should be a member of the state board of education or whether he is not to be a member of the state board of education. It has nothing to do with the superintendent of public instruction.

CHAIRMAN POWELL: May the Chair say that this motion is definitely in order and the decision is up to the committee. The Chair recognizes the gentleman from Lansing, Delegate Wanger.

MR. WANGER: It seems to me the question is broader than the lady suggests. The question is the governor's responsibility in the field of public education, which does spend such a tremendous part of our budget, and for that reason the motion is clearly appropriate.

CHAIRMAN POWELL: The question is on the motion by Delegate Bentley. All in favor signify by saying aye, opposed, no.

The motion prevails.

A DELEGATE: Division.

CHAIRMAN POWELL: Division is requested. Is the demand supported? There is a sufficient number up. We will proceed to vote on the electric voting machine. All in favor signify by voting aye, opposed, no. Mr. Romney.

MR. ROMNEY: Mr. Chairman, would the Chair restate the motion for the late arrivals who can't look at the board? The last amendment rather than the motion is on the wall.

CHAIRMAN POWELL: Before the machine is locked, may we understand precisely what the issue is. Consideration of this amendment has been carried over from yesterday. A motion has been made by Chairman Bentley that further consideration of section a be passed temporarily and that we proceed now to the consideration of section b. Sixty seconds having elapsed, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to pass temporarily section a and proceed to the consideration of section b, the yeas are 79, the nays are 41.

CHAIRMAN POWELL: The motion prevails. The secretary will read section b.

SECRETARY CHASE: Section b.

[Section b was read by the secretary. For text, see above, page 1188.]

MR. BENTLEY: Mr. Chairman.

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: We now come to section b of Committee Proposal 47 which, in this case, the committee had clear warning of its controversial nature. This is the question of the selection of the superintendent of public instruction and, as the secretary has read, the committee on education is recommending that he be appointed by the state board and be its chairman without the right to vote. We are also, of course, making certain recommendations as to his function with regard to the state office of education.

Mr. Chairman, there is a minority report pending on this particular section, signed by the lady from Detroit, Miss Hart, and 2 other members of the committee on education. If it is satisfactory to her, I would like to yield at this time for a further explanation of this section to the gentleman from Petoskey, Mr. Spitler, and then unless there are questions I believe the appropriate procedure would be to yield the floor to the lady for the purpose of offering her amendment. I yield to the gentleman from Petoskey.

CHAIRMAN POWELL: Delegates, the Chair had certain folks recognized, but that was back when we were on section a, so it thinks that —

Delegate Hart, did you wish to hold your position?

MISS HART: No, Mr. Chairman. If I may, inasmuch as we have a, b, c all mixed up, may I respond to the delegate from Bloomfield on the question of the governor on the state board first, and then I will yield to the gentleman from Petoskey for the next part. May I do that?

CHAIRMAN POWELL: The Chair is not quite clear, but can't we have the attention focused now on section b?

MISS HART: I have asked for the floor, Mr. Chairman. I have asked to respond to the delegate from Bloomfield. I called him out of order. The Chair did not consider this, it said they were one and the same thing, so I can't —

CHAIRMAN POWELL: You are putting words in the Chair's mouth, Delegate Hart.

MISS HART: I am sorry I did not appeal the ruling of the Chair, but I might have and I probably should have because we were debating on section b while the delegate from Bloomfield was talking. We got into the question of the superintendent of public instruction, the election versus the appointment of the superintendent of public instruction in section a. I asked to respond. I have not been given the opportunity to respond to him on the question of the governor being a member of the board of education. When do I get that in? When do I get to respond?

CHAIRMAN POWELL: Without objection from the committee, you may continue your remarks at this time.

MRS. CONKLIN: Point of information, Mr. Chairman.

CHAIRMAN POWELL: Delegate Conklin.

MRS. CONKLIN: I would like to suggest that a couple of weeks ago I thought we had decided that we would recess at 10:40. Is it your intent to recess now or not?

CHAIRMAN POWELL: You are so right, and the Chair counseled around here about that. It just seemed as though we had been in the committee of the whole only a few moments when that time arrived; and as you can see, things were moving along and there wasn't any good stopping place. The Chair just recently sought the advice of our vice president and he thought if no one raised the point, let's keep working. If anybody desires that we do recess, a motion to that effect would be in order. Miss Hart.

MISS HART: Mr. Chairman, if I may have the microphone when we come back, I will be happy to move to recess. Personally, I think we might have interrupted the discussion on section b that was being talked about on section a and recessed at that time. But I shall be glad to yield at this point, if I may have the microphone at the conclusion of the recess.

CHAIRMAN POWELL: Mr. Madar.

MR. MADAR: Mr. Chairman, a point of order. I would like to also point out that during Mr. Romney's talk he stated that these 2 sections were intermingled and one meant quite a bit to the other. Frankly, that is all I wanted to get up and talk about, too, and I do want to be kept in place there.

CHAIRMAN POWELL: The Chair has your name here, delegate. In the confusion of things where there were 2 or 3 talking at once, the Chair wasn't sure what Delegate Conklin may have said. Did you make a motion?

MRS. CONKLIN: I so move.

CHAIRMAN POWELL: She moves the committee rise for the purpose of this recess. The Chair thinks that is in order.

MR. BENTLEY: Mr. Chairman, I move to lay that motion on the table.

CHAIRMAN POWELL: This motion that the committee rise is not subject to a motion to lay on the table so the Chair will put the question. Those in favor of the committee rising, signify by saying aye; opposed, no.

The motion prevails.

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

VICE PRESIDENT HUTCHINSON: The convention will be in order. Pursuant to orders previously adopted, the convention stands in recess until 11:00 a.m.

[Whereupon, at 10:50 o'clock a.m., the convention recessed; and, at 11:00 o'clock a.m., reconvened.]

The convention will be in order.

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

VICE PRESIDENT HUTCHINSON: The delegate from Ionia, Mr. Powell.

MR. POWELL: I move that the convention resolve itself into committee of the whole for the further consideration of general orders.

VICE PRESIDENT HUTCHINSON: All those in favor will say aye. Opposed will say no.

The motion prevails. The committee will convene and the gentleman from Ionia will preside.

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

CHAIRMAN POWELL: The committee will be in order. You will recall that when we recessed we had passed temporarily the consideration of section a and gone to section b of Committee Proposal 47. The delegate from Detroit, Miss Hart, had requested permission to make a statement and there was no objection, so the Chair recognizes Miss Hart to make her statement, which may pertain to both sections of this proposal.

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

CHAIRMAN POWELL: A point of order is being raised by Delegate Higgs.

MR. HIGGS: I did intend to make an objection to a statement by Delegate Hart at this time. She will have ample opportunity to answer. I have things to say that I would like to say on that subject. I think we could carry it on for quite a long while and I would object to that procedure.

CHAIRMAN POWELL: The Chair is afraid your objection now comes too late. Hers was with unanimous consent—

MR. HIGGS: I will appeal the ruling of the Chair because there was no opportunity to make an objection at that time.

CHAIRMAN POWELL: The Chair is sure that her remarks would be restrained and brief.

Is an appeal from the decision of the Chair in order in the committee of the whole?

SECRETARY CHASE: It is.

CHAIRMAN POWELL: It is. The question is: shall the judgment of the Chair stand as the judgment of the committee? Those in favor say aye; opposed, no.

The decision of the Chair is sustained, and Miss Hart will proceed.

MISS HART: Thank you very much, Mr. Chairman. I want to agree with the delegate from Bloomfield that the state board of education should be one of lay people. I thoroughly agree with that—elected, as we have provided, and on a partisan basis. I am, however, amazed at the lack of understanding of the burdens that a governor carries, which exhaust every moment of his time and will still exact every moment of his time, even though there are only 20 departments if the executive provision is passed. This will, in no sense, cut down on the governmental responsibilities. It may cut down on contacts but not on the responsibility of the governor.

The governor in the state of Michigan is an important person, regardless of what party may occupy the seats on any board or any commission. He is important simply because he is the head of the executive of this state, and his will must be reached, if people are to be, if these boards and commissions are to have a proper voice and to have effectiveness, as in legislative halls and with the public, because we have been reminded here that the governor, every day, must have publicity, and it would be unfortunate if he were to be ill disposed toward any one of these departments' acts or their recommendations. Actually, the governor is welcome to any commission meeting, any board meeting. I am sure the boards and commissions would vie to have him present.

To give him a position—and the word "authority" was used—disturbes me. I think the governor has all the authority that he needs in his messages to the legislature, his address to the people, and his effectiveness in appointing committees and commissions, and the rest of it, his effectiveness in elections. Therefore, I think his authority is where it belongs, not exercised among the lay people on a state board.

One other thing concerns me. It would seem to me that this constitution is a conflict of interest. What happens to the governor, for example, when appropriations are going to be recommended? The majority of the board votes one way, and he is a member of the minority? Then, what is his position in his message to the legislature? What is his position in his recommendations? It seems to me that he would be in a very embarrassing position. I can't imagine the governor spending his time sitting and listening to the various reorganization plans, listening to the problems of teachers, which the board must judge personally by authority of the attorney general because they may not be listened to through delegated representatives. I cannot understand what the governor would be doing at this kind of meeting, and I am sure he would have to sit through hours of this kind of thing.

If it is important for him to be on the state board—and I deny that it is—why isn't it equally important for him, then, to be on all of the university and college boards? The state superintendent has been a member ex officio of all of those boards, and it has been impossible for him to attend all of the board meetings. It just seems to me a little ridiculous to put the governor in this kind of position. It seems to me a frivolous position to take, a lack of understanding of how the governor of the state of Michigan works, and I sincerely hope we won't do anything this foolish.

CHAIRMAN POWELL: Prior to our recess we had voted to go ahead to section b. The Chair is not sure that some of these speakers wish to speak on section b. First, the chairman of the committee, Mr. Bentley.

MR. BENTLEY: The Chair will recall, I am sure, that when we moved to section b, the secretary had read section b. I said it was my intention that since we had a minority amendment pending on this section, I would yield to the gentleman from Petoskey for an explanation on behalf of the majority of the committee on this section, and then I suggested that we yield the floor to the lady from Detroit so that she could offer an amendment on behalf of the minority. Does the Chair find any objection to that procedure?

CHAIRMAN POWELL: You are correct on that, and the Chair will recognize the delegate from Petoskey, Mr. Spitler.

MR. SPITLER: Mr. Chairman and delegates to the convention, the issue, as we see it here, is the selection of the superintendent of public instruction. We have had a great deal of discussion yesterday and today, much of which involved this particular issue. There are 3 methods of selecting the superintendent of public instruction; he may be appointed by the governor, he may be elected or he may be appointed

by the state board of education and, as has been stated here, there was division on our committee as to how this should be done.

I respect the opinion of those who differ with me on this very thing, and I respect their rights to offer their opinion on it. I happen to be a member of the majority of the committee and I would like to say just a few words concerning the reason for taking the stand that I do. I think we have discussed this thing thoroughly yesterday and today. I think it had been discussed thoroughly before we ever came to convention. I think that your minds are pretty well made up on this, and what I say or what someone else says here is not going to change the vote of very many people in this committee. As a result, I am going to make my remarks very brief. In fact, I have cut out a great deal of what I intended to say. I just want to speak very briefly on why I feel the way I do, and I think those who feel differently should have an opportunity to express themselves, and then I hope that we may come to a decision on this matter and that we may move on. I hope that my statement — that I will be brief. I believe that you will find that to be true, and I hope that that can be followed by those who are presenting different sides on this particular issue.

I happen to feel that the superintendent of public instruction, as an administrative officer, as an executive officer for the school system of this state, should be put in that position where he has the least partisan political obligation that he possibly may have. I have been members of many organizations, and many organizations — not school organizations but other organizations — have committed themselves on this particular issue. They feel that the superintendent of public instruction, if he is to serve all the people of this state, the various members of the board of education, the various teaching personnel, the boys and girls of this state, if he is to do that and do it efficiently and effectively, he ought to be put in a position where he has as little party responsibility as he may have. Otherwise his decisions are bound to be slanted in the direction of that party which he represents, and I am speaking concerning both parties, not concerning any one particular party.

As I have said, many organizations have gone on record as favoring this plan for the selection of the superintendent of public instruction. The Michigan congress of parents and teachers, which represents thousands of people in this state, and I would say that 80 per cent or 90 per cent of them are lay people, not professional school people, not school personnel, but lay people in this state, and they have gone on record for years, of favoring this type of appointment of our superintendent of public instruction. The resolutions committee, for the past number of years, each year has come out with a resolution definitely asking that the superintendent of public instruction be appointed by the state board of education.

We have taken that practice when we select the presidents of our various universities and colleges. Those boards of control attempt to go out and select for themselves the best man available, whether he is in the state or whether he is in some other state, and give him the job of administering and administering to that institution for which he is employed. Just a few years ago, we made the same move in the manner of selecting a county superintendent of schools. Previous to that time, it had been his need to go out each year or each 2 years and run for office as a county superintendent of schools. We removed that. Now the county board of education selects him, and may select the most competent person available for that field. The only chief administrative executive officer of any kind of the state that is subject to election is now our state superintendent of public instruction.

What has been the direction nationally in this field? In 1909, when the present constitution was adopted, there were 4 superintendents of public instruction — and they were called by various names, but were the chief executive officers of the school — 4 were appointed by the board. In 1960, 22 of them were appointed by the board.

The last 3 superintendents of public instruction who left office — and each one of them left voluntarily — have taken the stand, definitely, for the appointment of the superintendent of public instruction by the state board of education, and they have said to me, personally, as I am sure they have said to many of you, that the reason for their not being a candidate for office was largely due to the fact that they had to campaign on a partisan ticket, they had to go through a partisan convention, they had to campaign on a partisan ticket. These were strong men, but they left the office largely for that reason.

This plan that we are submitting would permit the state board of education to select the most competent person available, whether he is in Michigan or whether he is anywhere in the nation. At the same time, it puts him in a position where he may work for the best interests of the schools of this state, without partisan obligation of any kind. I know it has been said, and I think it is true that members of the legislature, if they happen to be of one party and are asking for information from the department of public instruction and the superintendent of public instruction is of the opposite party, there is a feeling on their part — and I am not saying that this is necessarily true — but there is a feeling on their part, the information they get is slanted, and that holds true whether it is a Republican group in the legislature asking a Democratic superintendent of public instruction, or whether it is a Democratic group in the legislature asking a Republican superintendent of public instruction. The same thing holds true.

I think I have said all that I care to say. The issue is clear. If you believe that the superintendent of public instruction should be elected on a partisan basis, where he is responsible to a partisan governor, where he is responsible to a party that has nominated him through convention, if you believe that he should go out and campaign every 2 or 4 years on a partisan basis, and you believe that he can best serve the schools of this state that way, then you would vote for that type of selection. I believe that he cannot do it and do it efficiently. For that reason, I support the majority report and hope that you will vote in favor of it.

CHAIRMAN POWELL: The Chair notices there is a minority report filed here disagreeing with paragraph 1 of section b. The Chair is wondering if those minority report sponsors have filed an amendment to implement? Wouldn't that be in order next?

SECRETARY CHASE: Pursuant to their minority report, Miss Hart and Messrs. T. S. Brown and Douglas offer the following amendment:

1. Amend page 1, line 18, after "Sec. b.", by striking out the balance of the line and all of lines 19, 20 and 21.

CHAIRMAN POWELL: The question is on this minority report amendment. Miss Hart.

MISS HART: Mr. Chairman, fellow delegates, let me first pay tribute to the work of the education committee, under the patience and perseverance of the long suffering chairman. The work of the education committee through the long preparatory months has been so thorough, so thoughtful, and so dedicated that it is with very real regret that Ted Brown, Ed Douglas and I must part with our fellow committee members and move to amend the committee proposal.

It is our recommendation that the superintendent of public instruction remain an elective officer. The majority has made its recommendation with what seems to us the mistaken idea that an agency of government entirely dependent for financial support upon politicians — and I use the word "politician" respectfully — may be taken out of politics. They also are of the opinion that the "best" school men and women are afraid to engage in political contests. This opinion, as an educator, I refuse to admit.

Let me read to you the testimony of our present superintendent, who has consistently maintained throughout the years that the office should remain an elective one, and let me remind you that Lynn Bartlett was defeated at the polls the first time he ran for office. I quote Dr. Bartlett:

Boasting a public school system comparable to the

very best in the nation, the state of Michigan has long been acknowledged a leader in education.

Let me remind you that the educators who have talked to you on the floor have boasted of equality of education in this state. We are among the top states in the country.

We believe that a primary reason for Michigan's strong and vigorous leadership role in all areas and in all levels of education can be attributed to the fact that the state superintendent, elected by the people, has the opportunity and freedom of action that is a prerogative of an elected official.

As never before in the history of this state and nation has the importance of and the critical need for adequate educational opportunities been so apparent. It follows, therefore, that this is also a time when forthright, courageous and visionary leadership is absolutely indispensable to our future progress in education.

In light of this, the method by which a state superintendent of public instruction is selected is of critical importance. The method must, insofar as it is humanly possible, insure the selection of the most qualified individual, one who not only can demonstrate leadership, but also a person who is immediately responsive to the needs, wishes and demands of the citizens of Michigan.

It is our considered opinion that the office of the state superintendent of public instruction remain a partisan, elective post, but for a 4 year term of office rather than the present 2 years.

We cite the following reasons for the position we have taken in this matter. First, because he is directly responsible to the people rather than to any one individual or appointing authority, the state superintendent has much greater opportunity to exercise individual initiative and leadership. Secondly, education is a state function and therefore its chief executive must be in a position whereby he can work most effectively within the framework of state government. We believe that as an elected official, he has direct liaison with all other elected officials in state government, both in the executive and legislative branches, and it is most desirable that this be maintained. The chief state school officer should continue to serve as a member of the state administrative board so that the needs of education can be constantly and broadly interpreted to other state officials and branches of state government.

You will notice in the committee report it is pointed out that he will remain the chief school officer. But, let me say to you that a chief officer, acting with other officials — and he is going to have to check back with 8 widely separated board members before he can make a final decision, and if the state board is constituted as I hope it will be, we will have somebody from the upper peninsula, we will have somebody from southwest Michigan, from the northern part of the lower peninsula, we will have them from the west coast and from southeastern Michigan, and this is a pretty unwieldly kind of an operation.

Making this office appointive could have the effect of reducing the status of the chief state school officer, thereby minimizing both the stature of this position and the opportunity to exert the forceful leadership which is required. This post should be one of equal force and authority with the other administrative officers. Any provision which would, in any way, tend to regulate the role of education in state government to lesser importance would render a disservice to the children and the people of the state of Michigan.

The position of the chief state school officer is not truly analogous to that of a local superintendent of schools. A local superintendent works within the structure of the statutes, an organization of local government which is vastly different from the structure of state government. Let me say here that we have listened to people on the education committee who have been advocates of the little red schoolhouse, of the village schools, of consolidating areas out of the big city systems of Muskegon, Grand Rapids, Flint, Saginaw, Detroit — 2,144 school districts at the last count. All of these people are deserving of attention. This is not like a local area where board members can go into a school, examine it for themselves, listen to the people, talk with them, talk with the superintendent day in and day out, where the people can telephone the superintendent or any board member any day they want to, all it takes is the effort to take down the receiver and call a number. But, if you were a person in a little school district up in Keweenaw, say, and you were objecting to something that happened, an action on a state educational setup, and you called and you had to call somebody in South Haven to make your complaint, and he said, oh, he wasn't the person responsible at all, it was somebody in Detroit, and by the time you got through telephoning and registering your complaint, you would have a pretty heavy telephone bill. This way you call the superintendent. He is in a position to answer you because he has an independent voice.

It is, therefore, our reasoned opinion that an elected official in state government can work most effectively with other elected officials, and is in the strongest position to exercise the necessary leadership of his office.

The present system has worked well, as is evidenced by the fact that Michigan is considered to have one of the outstanding school systems in the nation. This is also evidenced by the caliber of the men who have sought and gained the office of state superintendent.

In summary, we iterate, then, that the present system of electing the state superintendent of public instruction should be continued, and that the length of his term of office should be for 4 years rather than 2 years.

This is the statement of Dr. Bartlett.

Now we are told that educators want no part of politics, are unwilling to participate in our American system of choice by the people of the officers who are to serve them. This I refuse to believe, but if it were true and I had to make a choice betwen a theorist who lives in an ivory tower withdrawn from the democratic processes that make our country great, and the man or woman who so believes in his educational program that he is willing to face the people, take them into his confidence and fight for what he believes, I will take the realist every time as best for education, best for the people and best for the entire state of Michigan. Thank you, Mr. Chairman.

MR. BENTLEY: Mr. Chairman.

CHAIRMAN POWELL: The Chair recognizes the chairman of the committee, Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I would like to compliment the lady from Detroit upon her eloquent statement and the forceful manner in which she presented it. I would also like to pay tribute to her, as well as the other members of the minority who signed her report with her for the very fine contribution which they made to the committee on education, contributions without which the committee on education could not nearly have functioned as successfully as it did.

At this time, Mr. Chairman, I move the committee do now rise.

CHAIRMAN POWELL: The question is on the motion the committee do now rise. All in favor signify by saying aye. Opposed, no.

The motion prevails. May the Chair thank you all for your tolerance and cooperation and good will. I have been excused for the afternoon and someone else will preside. I wish you luck. (laughter)

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

VICE PRESIDENT ROMNEY: I am sure we will miss Delegate Powell and his effective presiding ability. I recognize Delegate Powell.

MR. POWELL: Mr. President, the committee of the whole has had under consideration one proposal, has had some very eloquent remarks and the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 47**, A proposal to replace sections 2 and 6 of article XI; has con-

sidered amendments thereto and has come to no final resolution thereon. That completes the present report of the committee of the whole, Mr. President.

We have 3 announcements.

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

The committee on administration will meet at 1:30 this afternoon. Mr. DeVries, chairman.

The committee on emerging problems will meet at 12:30 today, committee room I, on the third floor. Mr. Gerald Eddy, director of the conservation department, will appear before the committee. Frank G. Millard, chairman.

VICE PRESIDENT ROMNEY: The Chair recognizes Mr. Madar.

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

VICE PRESIDENT ROMNEY: You have heard the motion. Those in favor say aye; opposed, no.

The motion prevails. We will recess until 2:00 o'clock this afternoon.

[Whereupon, at 11:30 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m. reconvened, with Vice President Hutchinson in the Chair.]

VICE PRESIDENT HUTCHINSON: The convention will be in order.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from Kent, Dr. DeVries.

MR. DeVRIES: Mr. President and fellow delegates, an oral report from the committee on administration: we have dealt with Mr. Lawrence's request, and within a few days we shall have stands on all the microphones for every delegate here. Therefore, there will be no more discrimination. This is entirely for your information.

VICE PRESIDENT HUTCHINSON: The gentleman from Washtenaw, Mr. Lawrence.

MR. LAWRENCE: I am disappointed, Mr. DeVries. I thought I was going to get a screwdriver. I mean, not the kind you are thinking of. (laughter)

VICE PRESIDENT HUTCHINSON: **General orders of the day.** The Chair recognizes the delegate from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, I move that the convention resolve itself into committee of the whole for the consideration of matters on general orders.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of the gentleman from Genesee. All those in favor say aye. Those opposed will say no.

The motion prevails, and the gentleman from Genesee, Mr. Millard, will preside.

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

CHAIRMAN MILLARD: The committee will be in order and the secretary will read.

SECRETARY CHASE: Mr. Chairman, at the time the committee rose this morning, it had under consideration **Committee Proposal 47.** Under consideration was section b, to which the minority amendment had been offered, which amendment is as follows:

1. Amend page 1, line 18, after "Sec. b.", by striking out the balance of the line and all of lines 19, 20 and 21.

CHAIRMAN MILLARD: The question is on the amendment. The Chair does not have a list of those that were to be recognized and so the Chair will have to start fresh. Is there anybody that wishes to be recognized on the amendment? Mr. Downs.

MR. DOWNS: Mr. Chairman, I did not wish to speak in front of anybody who had asked to speak on it before the recess, and if there is anybody who had requested to speak beforehand, I shall be glad to be seated and wait my turn.

CHAIRMAN MILLARD: Delegate Downs, as the Chair has no one on the list, you may proceed.

MR. MADAR: Mr. Chairman, I just wanted to say that I was on that list, but I think that what I will do, instead, is wait until we are discussing the first portion of this section, because I did want to answer Mr. Romney.

CHAIRMAN MILLARD: Delegate Madar then yields to Mr. Downs.

MR. DOWNS: I believe, Mr. Chairman, that the question we are speaking upon is whether the superintendent should be an appointed or an elected official. This was covered quite well by Delegate Hart, but I would like to bring up one or two points that I think are pertinent to this. Some of the other speakers, and very properly, have raised a question about whether or not education is political. I would like to point out to the delegates that the history of free public education in America is the history of a political struggle of the people to get education, not so much for themselves but for their children. This was the big fight in the period of 1920 to '40, and we got public education largely as we increased the franchise so that the ballot was not limited to property owners alone. These two went hand in hand, and I believe we should remember that the history of public education is the history of a full political participation by an American people dedicated to the expansion of education.

I think, more immediately, in our history currently in Michigan and in the recent past, that I speak for an elected superintendent of public instruction for several reasons. I think one very telling reason is that if he is on the administrative board, as a constitutionally elected officer, he is going to be able to present the needs of education much more fully. I believe that the governor, as an elected constitutional officer, should weigh the various financial needs of the state, but if there is any one need that we have above any in this age where a man has orbited the world, where there are new problems, where all we are sure of is uncertainty and change, it is that need for further education.

I wish to make one other point on the value of an elected over an appointed official, and I yield to no man in the need for dedicated, career technicians. We need more of them. But at the heads of our agencies, and while this is called an administrative position because it is statewide, it is far more than a school superintendent administering problems in a local community with the citizen school board that meets monthly or more often on demand. We have a situation where the person who is elected to this position must have a statewide campaign for that position and a statewide campaign with other candidates running for office. I believe that the process of campaigning — and I think there are many of us here who are not unaware of the vigors of campaigning — that the process of campaigning is, in itself, educational.

The constituents of the candidates learn more of the problems of the state through the dynamics of our 2 party system, as well as other political meetings. I believe above all, that while the constituents may not all get to know the person who is elected personally, the very process of campaigning from the Keweenaw peninsula to the shores of Lake Michigan, to the shores of Lake Huron, to the central parts of our great state — the very process of campaigning possibly in 83 counties with different people and different problems — does give the elected candidate, and for that matter, the defeated candidate, a better concept of the vastness of our state, the educational problems of the citizens, and further qualifies him to meet the statewide problems we have. I feel, therefore, that the elected person who has a general concept can do a better job and he, in turn, through the educational system, should, of course, hire the best career technicians possible.

I do approve of the idea of increasing the term to at least 4 years because of the continuity. This is a real difference, perhaps, in political philosophy. I realize full well that there is this and many other questions on which there can be honest differences amongst honest people. But I, for one, as we are moving into a more technical society, want our people at the helm of these great organizations on an elected basis,

with technicians available to help them. I urge, therefore, support of the minority report amendment. Thank you.

CHAIRMAN MILLARD: Delegate Bentley.

MR. BENTLEY: Will the gentleman yield for a question at this point? Am I correct in asking the gentleman whether or not the pending amendment merely strikes out the first paragraph of section b and does not specifically provide for the method of choice of the superintendent?

MR. DOWNS: As I read this, Chairman Bentley, I understand that does that, and perhaps a method of choice would be in the part dealing with the election of other officials.

Again my own thinking, Mr. Chairman — and I am not sure if this is in the minority report — is that the election — and I hope that at a later time in the convention we will eliminate spring elections and have them in the fall so that this office is tied in with other 4 year terms. I realize, Mr. Bentley, that this is really looking 2 curves down the road, but I doubt, with all the other problems we have had on education, we should necessarily get into whether we should have 4 year terms for the governor and others.

MISS HART: Mr. Chairman, I am sorry. It was intended—

MR. DOWNS: I will yield to Delegate Hart.

MISS HART: Thank you.

CHAIRMAN MILLARD: Just a minute. So we can get it on the record, the Chair will recognize Delegate Hart.

MISS HART: Thank you. I wanted to answer the chairman of the committee. It was intended by the minority, and I read that this morning at the beginning of the statement, I think, that the superintendent of public instruction, this would be struck out, and insert, "The superintendent of public instruction shall be elected for a 4 year term."

MR. BENTLEY: But the pending amendment merely strikes out the first paragraph, does it not?

MISS HART: That was not the intention.

MR. BENTLEY: I wonder, Mr. Chairman, if the secretary would read the pending amendment so we could be certain what we are voting on.

CHAIRMAN MILLARD: The secretary will read.

SECRETARY CHASE: The pending amendment is, as the secretary has it, to strike out the first 4 lines of section b.

Miss Hart has also filed an amendment to accomplish the purpose that she has in mind.

MR. BENTLEY: I am wondering if Miss Hart wants to combine these 2 amendments?

MISS HART: Yes, that was the intention.

MR. BENTLEY: Mr. Chairman, I ask unanimous consent that the lady be permitted to combine these 2 amendments.

CHAIRMAN MILLARD: Is there any objection? If not, the amendments will be combined and the secretary will read.

SECRETARY CHASE: The amendment, then, as now revised is as follows:

1. Amend page 1, line 18, after "Sec. b.", by striking out "The state board shall appoint a superintendent of public instruction whose term of office shall be determined by the board.", and inserting "The superintendent of public instruction shall be elected for a 4 year term.".

The remainder of the first paragraph stands as it is in the section, "He shall be the chairman of the state board without the right to vote, and shall be responsible for the execution of its policies."

MR. BENTLEY: Mr. Chairman, the reason I raised that question is because I think that the initial amendment offered by the lady should be corrected, because, if my memory serves me correctly, the initial amendment strikes out the entire paragraph, and that should be changed if she wants to leave the second sentence of the first paragraph intact.

Does the gentleman want me to yield to him?

CHAIRMAN MILLARD: Delegate Downs, might the Chair ask of Delegate Hart if that is her understanding, if that is correct?

Delegate Bentley, as the Chair understands, this amendment was agreed to without objection.

Delegate Downs.

MR. DOWNS: Mr. Chairman, I believe Delegate Bentley raised a very pertinent point on the matter of how these elections fit into other elections. What I tried to say earlier is that I think when we get to the election proposal, there will be discussion of gearing our different offices into one statewide election, where we now have fall and spring elections. I think the intent here is clear as to whether or not the superintendent should be appointed or elected. The minority report makes it very clear, in speaking for an elected superintendent of public instruction, without going into the details as to whether that should be a spring or fall election.

MR. BENTLEY: Mr. Chairman, if I may speak briefly on the amendment now?

MR. DOWNS: I will yield the floor to Delegate Bentley, as I have finished the comments. If he has any questions, I shall be glad to try to answer them.

CHAIRMAN MILLARD: Delegate Bentley, you are recognized.

MR. BENTLEY: Mr. Chairman, I thought it might be helpful to the members of the committee of the whole to know the system prevailing in other states with respect to the method of selecting the chief state school officer. At the present time there are 5 states where the chief of state school officer, corresponding to the superintendent of public instruction, is appointed by the governor. Those 5 states are Alaska, New Jersey — both of which, of course, have recent constitutions — Pennsylvania, Tennessee and Virginia.

There are 23 states, Mr. Chairman, where the superintendent is elected by the people, and I would like the delegates to reflect on the school systems as they exist in those 23 states, as I read them. These 23 states are as follows: Alabama, Arizona, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Washington, Wisconsin and Wyoming.

In the other 22 states, the chief state school officer is appointed by the board of education, including the states with recent constitutions, such as Hawaii, Missouri and the state of New York.

It is for these reasons, among many others that have been advanced, Mr. Chairman, that I urge the defeat of the pending amendment.

CHAIRMAN MILLARD: The Chair recognizes Delegate Judd.

MRS. JUDD: Mr. Chairman and members of the committee, I would like to first agree wholeheartedly with Delegate Downs that the agency which makes policy for education in the state should be directly elected by the people. We have provided this in the committee proposal in the board of education, which is to be nominated by the party conventions and elected by the people. This, as I understand it, is to be a much larger and stronger board so far as responsibilities go, than it has ever been before, and will be a major policy making board.

I think we have no reason to fear that educational policy will be made by a group responsible to the people. If we were to elect, also, directly, the superintendent of public instruction, we would be setting up a competitive policymaking officer, independent of the board of education, who, himself, would have policy making power simply by the fact that he is independent of everybody in the government and only responsible to the people. So we might have some dangerous conflict in the field of education between these 2 agencies.

I think, then, that before we decide how the superintendent should be selected, we must first decide what his function is to be. Is he to be another policymaking agent, or is he to be administrative, to carry out the policies of the board? I note that the proposers of this amendment have consented to leave in the text the words that the superintendent shall be responsible for the execution of its — that is, the board's — policies. We cannot expect the kind of cooperation, with this new and more powerful policymaking board, that we should have if the superintendent is, himself, independently elected.

I therefore very strongly urge that we keep him an appointive official and responsible to the board.

CHAIRMAN MILLARD: The Chair recognizes Delegate Downs.

MR. DOWNS: Mr. Chairman, I believe that the delegate who just spoke, Mrs. Judd, has made a contribution on this, as well as the chairman of the committee, on the differences between the elected and the appointed.

As I said earlier, if this were a city school board that met regularly, once a month or so, and were in constant contact with the superintendent, I think the arguments would have much more weight. I think the difference here is largely one of degree. While the proposal does not say how often the board would meet, there is no per diem spelled out, and many of these bodies that are policymaking, yet partially honorary in nature, I think, history shows, meet maybe once a month, and when the person has a statewide function, I believe the matter of degree is such to warrant the election.

I would like to point out that the matter where people are elected includes those states of Oregon, Washington, Wisconsin and California, and that one reason our sister state, Wisconsin, has been able, in my judgment, to keep the independence and integrity of their educational system, regardless of the changes of political winds, is its fortune has been that the University of Wisconsin has been on the elected basis for control and has proved to be very satisfactory.

I would just like to make one more point. We have talked a little on the history of education, and for just a moment, since the question of comparison with other states has come up, I wish to try to be very brief on what I think is an historical trend. Fifty years ago or more, there was in the books, the literature — The Shame of the Cities, by Lincoln Stephens; and others — the growing feeling that political parties ran their business in smoke filled rooms, or "smoke fulled rooms," perhaps, is the better term, and that therefore, to prevent that, we should eliminate the party primary and have the direct primary, the short ballot, and even — some of us may shudder at the concept — nonpartisan election of city managers. At that time, that was an improvement over the political machines of that day.

I think, in the last few years, we have within our political life developed more responsive politicial organizations in the United States, and particularly in states like Michigan. I might add that one reason I think the smoke filled rooms have decreased is that our friends, the women, got to vote, and when the women got to vote and became the majority of the voters, maybe that added to the moral influence within political parties. I leave that to other delegates. I think that now the trend is to have responsible, political participation. I feel that our political parties, with their vigorous campaigns and conventions and year round meetings have given people a chance to participate in political campaigns and bring forth the ideas of education and other state offices in a very positive and helpful way.

I therefore urge the support of the minority report amendment. Thank you.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Wayne, Delegate Douglas.

MR. DOUGLAS: Mr. Chairman, fellow delegates, it was my good fortune to be a member of the committee on education, and I relate to you at this time that never before have I served with such fine persons who were dedicated to a certain purpose, that is, to bring before this convention the best proposals pertaining to education. We did make some mistakes, and I think that this particular proposal is a mistake. I think that one thing that the members on this committee would perhaps be unanimous on, is our commendation of our chairman, who was very firm, but he was fair, always a gentleman, and very tactful.

It has been a rule of long standing that any time a proponent of a constitutional change comes forth with a proposal, he must bear the burden of proof. The committee should be able to come to this convention and show you that the proposal that they are presenting is necessary or that it would greatly improve the existing situation. They cannot claim this, because we have absolutely no evidence at all that the present office, superintendent of public instruction, as elected, is, in any way, detrimental to our educational system. On the contrary, you will hear on this floor — and we have heard consistently in committee — that we have a very fine superintendent and we are all proud of how he was elected.

Now the committee comes to you with a very substantial change, and I assert to you that they will present no evidence of fact. I am inviting your attention to page 403 of the journal. This is the committee report. I think that in order to justify this substantial change the committee should present you with some kind of fact. The chairman tried to point out a few statistics, and they have a little chart here. This chart should tell us something, and if it doesn't tell us something, it should imply something. In looking at this chart, I am not sure whether we are supposed to think that it presents a syllogistic situation or not. That is, does this chart tell us that because certain states have changed to appointment by the board of the superintendent, do those states have a better system of education? That fact is not given here. From what kind of situation did they change to an appointment?

You have just heard Mr. Downs tell you a little bit about history. Anyone here who knows anything about statistics or the making up of charts knows you can present any kind of chart, any kind of statistics you want to, to show any kind of situation you want to. There are 8 states that have exactly the same system that the committee is proposing, and nowhere in the report do they tell us that these states that have the same situation have a better educational system. Colorado, Iowa, Nebraska, Nevada, New Mexico, Ohio, Texas and Utah; those are the states that now have the situation that the committee wants you to adopt. If it is so good, let them come forth with some facts and tell this delegation that they have a better system in another state, so let's be copycats.

Twenty-two states now elect the superintendent of public instruction, and the twenty-third is New York, which elects it by the legislature.

Let's look again at the committee report and see if it says anything at all. I think that in the next paragraph it starts off with opinions, stated positively without justification. I think that it is very brave for the committee to come forth with a categorical statement, positively made, based on mere opinion. It says, "Appointment by a state board assures that the superintendent of public instruction will be selected from . . . the most competent people available to serve in that capacity." Would that not seem contrary to the exact situation we have now, and everybody in education is bragging about the fact that Michigan ranks in the upper 1/3 in the nation? It implies that only by appointment can the most competent person be made available, and to justify this, somewhat, the committee goes on to tell us about 3 previous superintendents who have gone on record refusing to submit themselves to a test of the people.

I personally take issue with this because I think that it is one way we can start to undermine the very democratic process by which we are the inheritors, that is the electoral franchise. I think that we should stop this trend towards taking away from the people that which is rightfully theirs, and that is to go to the polls and elect the administrators that they want to carry forth the program here in Michigan. It has been stated by one of your distinguished delegates here in talking to the press, saying to the press that at present the politicians and the public officials, their images are very low before the people. I think that we can bolster those images, I think that we can be proud of our politicians. I don't think that we should undermine our political system. To be a politician is not a bad thing, but to hear some educators talk, it is a bad thing unless you are running for president of the United States. This, I think, is contrary to the things that we are trying to teach to our youngsters.

I should like to present, in conclusion, 5 points, and I challenge the majority to come forth, refute these points and give to this delegation some facts that what they propose is better.

First, elected officials are made directly responsible to the citizens electing them. The only way educational programs and the issues involved can be carried throughout this state is for someone interested in education to carry those issues in a campaign. The state board of education, those persons seeking election, will not know all the educational issues.

Two, the system has worked well in the past. I don't think we are going to have anybody from the committee coming up and saying that the system has not worked well in the past. We have sought to weld together the fragmented system we have in education in the state, but I don't think that we will have anyone who will refute this point.

Point 3, the best politics of each political party is to screen carefully and select strong and capable candidates. You can hear a lot on this floor about taking politics out of education. I think that this is sort of foolish, unless you are talking in the extremes, like Mr. Downs told you about past situations. To argue this point is to assume that the 2 responsible political parties in this state do not come forth with a platform and a program in education that is sincere and constructive, and I don't think that we should start with this premise.

Point 4, an elected state superintendent has equal status and recognition with other elected state administrative officials. This is not true of the appointive officials. I heard this morning a delegate refer to this creature of the board, and that is exactly what we are relegating the superintendent to, a mere errand boy, an errand boy between the state board of education and the administrative board and the governor, and we would not have gotten into the dilemma of this morning had we not come up with this committee proposal.

I served on the subcommittee, which was chaired by Delegate Romney, and one a.m. everyone had a clear head, we had breakfast together and handled business, and I suggested that before we proceed any further we agree upon a basic organizational structure. Everybody said, "This is fine. This is what we shall do." So we started gathering our pieces of paper and drawing out diagrams in order to come up with a basic structure, and this is what we had: we had the governor at the top, and we had a direct line to the superintendent of public instruction. What does this mean? This means that he either had to be appointed directly by the governor or he had to be elected by the people. The next direct line was to the state board of education. I shall not go into the rest of it because it is not an issue here, but if you understand the basic organizational structure that we all agreed upon — and it was brought out that this is what they use in industry and I didn't deny this because I find that in most organizations this is the way it probably should be. So we proceeded, after that, to go into all of the aspects of the state board of education, and we agreed upon a certain wording.

But later, there was a subcommittee meeting which I could not attend, and I gave notice that I could not attend it, and the matter was debated and out came this monstrosity that is presented to you today. This was the compromise. Once the compromise was made, you see, the direct link between the governor and the superintendent of public instruction was destroyed. So we got in committee, the whole committee now, considering the wording of the state board of education, and we said, "Wait a minute here, we've got to back up. Something's wrong. We've got to reestablish this link. How shall we do it?" Well, they did it. They stuck on a sentence on the end and you see how confused it brought the situation to this morning. This is how we got into the dilemma this morning because we violated the fundamental organizational structure that we started off with.

My last and fifth point: it is difficult for an appointed official to exert state educational leadership when each major decision must be reviewed and approved by his board. I ask you, with the committee proposal to whom is he responsible? He is not responsible to the people. He is not responsible to the governor. He is a creature of the board, and he is responsible to the board. Every time a major decision has to be made on the administrative board, he has to go back to those people who hired him. You think that once we get a man in there appointed, that he can be removed immediately? This is not so. Let's look at the situation practically. You've got 8 members on the state board of education who would be elected every 2 years. You are going to replace 2. What does he have to do? He's got to play some politics and not too much politics, because once he gets in, all he has to do is to have 3 or 4 cronies, and he will stay in there forever. We, the people, can't get him out. The governor can't get him out. We provide that the governor shall change office, if he is elected, every 4 years, but not this creature of the board.

So I urge you, fellow delegates, in conclusion here, if the majority on the committee report, cannot come forth to this delegation and prove to you, definitely, or by some evidence, that what they propose is much better, then I think that you should stick with the same thing that we have now, which would retain in the people the electoral franchise. Thank you. (applause)

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

MR. HIGGS: Mr. Chairman, I would like to yield for 2 questions to Delegate Hart, if she would care to answer them.

CHAIRMAN MILLARD: If the lady wishes to answer.

MISS HART: It is all right.

MR. HIGGS: Is it the intention of this amendment that the nomination be made at party convention?

MISS HART: As it is now, Mr. Higgs.

MR. HIGGS: Is your answer yes?

MISS HART: Yes.

MR. HIGGS: And second, with regard to the comments of Delegate Judd, which I think really goes to the heart of the selective process of choosing a superintendent, what do you conceive to be the duties of this office? That is, do you conceive of these duties as principally an administrative official or do you conceive of it as a political, policy making function?

MISS HART: I think it has to be a policymaking function, in part. I don't see how it can help but be a policymaking position in part. The policy of education, which would be with the advice and consent of the state board of education.

MR. HIGGS: Would it be your thinking that it would be a shared responsibility or would it be centered in the superintendent or in the board or concurrent?

MISS HART: I would assume that, as it is now, the state superintendent of public instruction would consult his board, welcome their advice, but that he would be responsible. He would be a member of the top officialdom, whatever that might be when we get through with this constitution. As it is now, he is a member of the administrative board. He speaks for education. When he speaks for education, he is in a position to speak always for education, independently, for the best interests of education. I would hope that he could continue to speak that way.

MR. HIGGS: Thank you. Fellow delegates, I would like now to address myself to the question. It seems to me that with the answers to these questions and the remarks of Delegate Downs and Delegate Douglas, we have something to get our teeth into.

First of all, I feel compelled to support the committee in that I think that this particular amendment would result in a division of leadership. You would have, actually, 2 heads of the system. You would have the board and the superintendent, if I follow Miss Hart. There would be a great opportunity for one to say, "That is your responsibility"; and the other to say, "Well, you are elected, that is your responsibility." I kind of favor the direct responsibility in the board for that reason. Secondly, I think that with regard to Delegate Downs' indicating that the official in this office should be free of political caprice and whim — at some point I picked those words out — and it seems to me that the committee proposal would offer greater stability than the amendment would offer, in that I note that the state board would be elected for the term of 8 years. This, being a much longer term than the governor or than any other elective officials, I think would build in this greater degree of stability. I think that actually when you are comparing the elective process with the appointive in this context, that Delegate Downs' point would actually limit the selection of the people in that they would actually have only 2 choices when they went to the polls; one party or the other party. That would be the first limitation.

The second limitation would be that this man would have to be a resident of the state in order to run. I don't think we have taken anything away from the people that is rightfully theirs, as Delegate Douglas has suggested. By giving the peo-

ple, through their elected representatives, a broader base for selection, we would be electing the state board and they would have available to them candidates for this office from all over the United States, wherever they could find the finest administrators possible. They could search and seek, and in the calm, deliberative atmosphere of the meetings of the board, they would be able to screen these candidates in order to determine the best available. I am not sure just how your party conventions operate, but I am not exactly sure that a party convention would be in a position to go through this careful screening process, but certainly we have given the people a broader selection through their elected representatives than your amendment would provide.

I would like to answer only one of the points made by Delegate Douglas. He states that he challenges any member of the other party to answer any of these. I would just choose one, that elected officials are directly responsible to the people who elected them. In the committee proposal I think we have the finest kind of responsibility available. In the minority amendment the people would be limited to exert that direct responsibility only once in 4 years. If I understand the committee proposal, the board would have the power to determine the term of office. The board would have an opportunity, perhaps, to determine that the superintendent serve on a trial basis for a year, or something like that. I am not an expert in the education field, but it seems to me that the responsibility of the superintendent would be more direct and more immediate to the elected representatives of the people serving on the board than they would be under the minority amendment. So I would favor the committee proposal.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Wayne, Delegate Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, as a political theorist who has so recently left his ivory tower by way of retirement to enter the rough field of practical politics very briefly, I hope, I would like to make a few simple statements of fact. In the 40 years in which I have been connected with education in this state, I think I have learned a few of the facts regarding the superintendent of public instruction, as well as some other things. He has probably less real authority in making policy and more prestige than any other elected state official. His duties are almost entirely ministerial, carrying out those duties which the legislature provides for him by law. As a consequence, it would be highly desirable that he be appointed by the board which, under the new constitution, will have broad duties.

In the 1908 constitution, the board's principal duty has been to administer the affairs of 4 institutions of higher learning, originally known as normal schools. These duties will be much increased, and the superintendent of public instruction, as visioned here, will be the administrative officer to carry out the policies.

For over 40 years — I don't know how much longer, but I know for over 40 years — most of the school people, including the organizations of teachers throughout the state, have urged that the superintendent of instruction be appointed by the board of education. I think it is high time that we give due consideration to that. It seems the logical, sensible and proper thing to do. Thank you.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Wayne, Delegate Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, I should like, at this juncture, to say my amen to the fine speech of Delegate Douglas, and approach this thing from perhaps a slightly different point of view. It would be appropriate, I think, at this time, to discuss the philosophy of the word "efficiency," because this matter has been broached in many different ways during the course of our deliberations to date, and will also be important in our deliberations in the future.

There is a point at which the liberal philosophy and the true, conservative philosophy merge, in regard to the word "efficiency." From the beginning of this convention we have been exposed, on many occasions, to the terminology of the marketplace. We are going to get down to the business of the convention, it was said. We are limited to 17,000 words, it was said. We must get on with what is urgent about the business of the convention, it was said. And we must have efficiency, and above all, according to this particular point of view, we must have effective government. This is a very key word, "effective" government.

I submit that what is wrong essentially and philosophically with our country today is that we are so busy doing what is urgent that we neglect to do what is important. There are those people within this convention who would say, "We are casting a pox upon both your houses, the liberal element and the extreme conservative and perhaps rural element, because both of you are for the status quo, because both of you would like to have all of the officials remain elected. We are casting a pox upon both your houses." And we are saying we are for efficient, modern, progressive, far reaching government. There is a latent fallacy, and I think it is a philosophical one because, fellow delegates, government was never meant to be efficient. It was never meant to be cold and hard and sterile and smoothly working. Government has built within it a gross inefficiency to safeguard the rights of the people. At some part in the political spectrum, the true liberal and the true conservative will say that the ultimate repository of all faith and confidence in the future of a government lies within the people when they cast their ballots. For that particular reason, among many others, I am certainly one of the proponents of the amendment to restore or, at least, maintain the school superintendent in an elective capacity.

There is one other minor point, and I hate to end on a Monday note, but as a practical matter, I think what will happen, if you make the superintendent the chosen minister of the elected board or, worse still — and this, of course, is not before us now — if he were the chosen minister of the governor, you would exchange the grossness and the blatant aspect of regular party politics for the hidden politics of school administration, and without getting on the school administrators, without getting into a subject that I know will cause them to rise to their own defense, I would suggest also that the hidden politics of school administration is more insidious and more unworkable than the open politics of regular party politics and machinery.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Oakland, Delegate King.

MR. KING: Mr. Chairman, ladies and gentlemen of the delegation, I was extremely pleased when I, as we progressed through this education article, found that we were going to strengthen the board of education. My opinion is, the present board of education is not constituted as a broad and powerful coordinating group over all state supported educational institutions. I am very pleased that Miss Hart and the other distinguished educators on this committee felt that this was a necessary constructive step. But at this point I am completely confused. We have strengthened this board of education, which is responsible to the people and which is elected by the people, and all the people, and not by districts or anything else, and all of a sudden now we want to also elect another policymaking official as superintendent of public instruction. My confusion arises at this point. Who is really responsible for the policy with regard to education in the state of Michigan?

It would be my understanding — and correct me if I am wrong — that although the superintendent of public instruction should be an administrative officer responsible to the board of education, it would be my understanding that the board of education could not replace or remove the superintendent of public instruction, under the pending amendment. With this in mind — and I don't want to draw diagrams in the air, but an analogy was drawn between business and government — at the top of any table of organization in business you find the stockholders, and I assume that at the top of any table of organization in government, you find the voters. I don't think that anyone would propose that the stockholders should elect the board of directors, and then also elect the president of the corporation. Why, this would be ridiculous. So let's bring this thing back into focus, what we are talking about here is a chief administrator.

I say the board of education ought to be elected by the people.

I say it ought to be a powerful coordinating group, which can bring all of the divergent factors of education in this state of Michigan together, working as a team. But I can't, for the life of me, in the name of good government, understand how we would want to dilute this constructive step forward that we have taken by supporting any such amendment as shown on the wall at this time.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Grand Rapids, Delegate DeVries.

MR. DeVRIES: Mr. Chairman, ladies and gentlemen of the committee, Mr. King has raised some of the points that I had in mind, but frankly, Miss Hart and Mr. Downs, Mr. Brown, I am having a hard time getting oriented here, or maybe it is reoriented. Is it true that I am hearing from these distinguished colleagues: one, "there is no need to change because the system we now have is good; therefore, we must retain it because if it wasn't any good we wouldn't have it?" Which is about the best argument I have ever heard for status quo. I've got nothing against status quo, but I do think when we do face the situation where we need social change, we ought to recognize it, so I am curious about that. Secondly, the argument that "we have to keep government close to the people." I think we all believe this, but you know as well as I, in any statewide poll, less than 5 per cent of the people of this state can tell you who is on the ad board, can name more than one member, and certainly not the superintendent of public instruction. The election, therefore, for the superintendent of public instruction is not a situation where the people of this state rationally choose between 2 potential administrators of our school system. I think it is merely a test of party strength at one point and time.

It is obvious that the superintendent of public instruction, from what I have heard today, is purely an administrative officer, and, as such, should be appointed and responsible to an elected board. This is what the committee proposes. So I would urge the defeat of the amendment and support of the committee proposal. I think it is a fine step forward and a much needed social change.

CHAIRMAN MILLARD: The Chair will recognize the storyteller from Isabella, Delegate Anspach.

MR. ANSPACH: Mr. Chairman and members of the committee, it has been my great fortune to be a member of the committee on education, and because of that association I have come to respect and admire all of the members of the committee, and I say that in all sincerity.

You heard a very, very fine presentation by Mr. Douglas. I am not differing from Mr. Douglas except I want to comment on some of the points that he made. His first point was elected officials are responsible to the people more so than a person who is appointed by the board. I go back to some comments that were made a moment ago: you will have 8 members of the board who will be elected by the people, who will be responsible for the appointment of the superintendent. Therefore, you have 8 people who will receive the screening, commendation and the condemnation of the people of the state. Therefore, he is responsible, through them, to the people. He is responsible to 8 people who are elected by the people on a party ticket.

The second point, it worked well in the past, therefore it should be retained, Dr. DeVries answered a part of the question there, the point made there. Whether it has worked well or not is a matter of opinion. On the other side, to support the opinion of those who think, perhaps, it hadn't worked well, you have the opinion, resolutions and so forth of the M.E.A., the superintendents of the state, various professional organizations, including university people, lay people, including various groups throughout the state, so if it comes down to a matter of opinion, you have the opinions of many people that have some question as to whether it has worked well in the past.

Second, you get good political screening. You certainly get good political screening on the selection of 8 people who will run on party ticket. In addition to that, those 8 will screen the candidates for appointment to the office of superintendent of public instruction, so you certainly will get screening, all the screening that I think is perhaps necessary. The next, an elected official will have greater status because he is elected. If you elect 8 members of the board, and the eyes of the state are on the 8 members, knowing it is their responsibility to appoint an individual who will direct, under their supervision, the affairs of education in the state, you certainly are going to give that person status especially. We lost one member out of the state board of education, as you know, who went to the state of Colorado, a very, very fine person, because the board in Colorado has the right to appoint. So they took our deputy of the state of Michigan about 2 years ago, to go to the state of Colorado. His going to the state of Colorado certainly was indicative of the prestige of this individual from the standpoint of educational circles in the United States because he was selected as one of the outstanding educators in the United States.

The third point: it is difficult to give decision to a board. I don't know whether it would be more difficult to give a decision if you are on a board than it is now, because the superintendent of public instruction must work with various commissions and committees that he appoints. Therefore, it is difficult for him to make a decision on the spur of the moment, too, until he goes back to some of these advisory groups that he has set up to advise him.

Therefore, I think that the committee proposal is right in its recommendation that the superintendent be appointed by this board. I therefore urge support of the committee proposal, and defeat of the amendment.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Wayne, Delegate Ford.

MR. FORD: I rise only to question those who would have you believe that this concept of an appointed superintendent of public instruction versus an elected superintendent of public instruction is something modern or something new. If you will take a look in the blue volume that all of you have, you will find that in 1835, the constitution provided that the superintendent of public instruction would, in fact, be appointed by the governor, subject to the advice and consent of the legislature. In 1850, for whatever their reason, they dropped that provision from the constitution when they revised it just 15 years later, so for 15 years in this state, we did have an appointed superintendent of public instruction. When Mr. Douglas asked if we had had any experiences as to whether or not this would be an improvement, I submit we have had experience as to the fact that it wasn't an improvement because after trying it for 15 years, the people in drafting a new constitution dropped it from the constitution.

In 1907, when the convention met, if you look at the little blue message to the people, you discover that they made another change with respect to this office, and I would like to read the explanation that they gave to the people in 1908 when they asked them to vote on the present constitution as to why they made the changes that they made, with respect to section 2 of article XI. I am reading from the section itself:

> A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, 1909, and every second year thereafter. He shall hold office for a period of 2 years from the first day of July following his election and until his successor is elected and qualified.

At this point they began to spell out specifically some of the duties that he would have and some of the powers.

> He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

The language very clearly indicates that they expected that the superintendent of public instruction would have certain constitutional powers, in answer to Mr. Higgs' question, and in addition thereto, it made it clear that they expected that the legislature might, from time to time, add to those powers. But I don't think there is any lawyer here who would suggest for one moment that the powers and prerogatives set forth

in this section of the constitution could, in any way, be diminished by the legislature.

In explaining why they changed the language from the preceding constitution, this is what they said:

> This section takes the place of section 1, article XIII of the present constitution, and includes certain provisions of section 1, article VIII, and section 1, article IX. The propositions to make the office of superintendent of public instruction elective at the April election, to make him a member of the state board of education and other educational boards are not found in the existing constitution.

They are referring to the Constitution of 1850.

> The first change is designed to place his selection on the same basis as the selection of regents and judges, and the second is a recognition of certain present statutory provisions.

It was made very clear that in 1907, in a constitutional convention that made, as we all agree, very few changes from the Constitution of 1850, that they went out of their way to do 2 things: to make it very clear that they had some basic constitutional powers, prerogatives and duties and, secondly, to provide that he should be selected in the same manner as the regents. I submit that their reasoning was that they felt that the universities of this state should be governed by people answerable directly to the people, and they had had the experience of leaving to the legislature, between 1850 and 1907, the method of selection, and decided they better make it constitutional again.

I hate to be repetitious, but just see what we did: for 15 years we appointed him. For 50 years we left it to the legislature, and at the end of that first 15 years, we got away from the appointment but went to the legislature. At the end of that period of time, we evolved to a situation where by constitution we guaranteed that he would be elected by the people. I submit that this shows a progression of the treatment of this office not from the elective process to the appointive process, but, quite the contrary, from a trial of the appointive process to a flexible Constitution of 1850, which didn't prescribe the method but left it to the legislature, to the 1907-1908 situation where they said, "We have to guarantee to the people this right by constitution."

So, if we are going to be modern and we are going to be forward, let's do it. Let's don't go back to 1835 and start off with a concept that was rejected after only 15 years of life in this state.

CHAIRMAN MILLARD: I recognize Delegate Sterrett.

MR. STERRETT: Mr. Chairman and delegates, we heard Mr. Down's statement about the benefit of the campaign of the superintendent of public instruction. I would like to point out to you that the author of this amendment was sitting at the committee table in the committee on executive branch when our present superintendent of public instruction appeared before us as a witness. My question to him was: in your last campaign, do you feel that you came in contact with at least 10 per cent of the voters of the state of Michigan? And he was unable to say that he had even come in contact with 10 per cent of the voters. How are the people getting to know a person if that person can only come in contact with this number of people?

CHAIRMAN MILLARD: The question is on the minority amendment. The secretary will read the amendment so we will know what it is all about.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1214.]

MR. DOUGLAS: I demand a division vote, Mr. Chairman.

CHAIRMAN MILLARD: A division has been demanded. Is the demand seconded? There is a sufficient number up. All those in favor of the minority amendment will vote aye. Those opposed will vote nay. The time has elapsed. The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Miss Hart and others, the yeas are 45, the nays are 82.

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

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend page 1, line 18, after "Sec. b.", by striking out "The state board shall appoint a superintendent of public instruction whose term of office shall be determined by the board.", and inserting "The governor shall appoint a superintendent of public instruction with the advice and consent of the state board of education and whose term of office shall be at the pleasure of the governor.".

CHAIRMAN MILLARD: The Chair recognizes Delegate Kuhn.

MR. KUHN: Mr. Chairman, members of the committee, as you know, it has been said, "In a chain of command the top administrative head should have the appointment of his department heads." Well, the superintendent of public instruction is the administrative head of the state department of education. He is the chief educational officer of the state.

You know under our federal system the president appoints his cabinet. I feel this should be the same in the state of Michigan. After all, it has been pointed out to us that 50 per cent of our appropriations go to education and, therefore, we should have responsibility as to how our money is spent and things of that nature. I think it is important that when we have someone who is superintendent of public instruction, that we have responsibility in the people to be able to remove him. If he is insulated by 8 members of the state board of education, then I think we are fooling ourselves. I think that is one of the reasons we called this constitutional convention: to do away with these so called 120 departments, to reduce the number so we could pinpoint responsibility. This way, we can pinpoint responsibility. The superintendent of public instruction would be appointed at the pleasure of the governor. If he weren't doing the job the governor thought he should do, he could be removed by the governor.

How are the people in education going to be protected? Well, the people do elect our state board of education and, therefore, they are supposed to be on the side of education. They have the right of veto if they feel that the governor did not make a wise selection, and that is why we use the words "advice and consent." We would hope that the governor would go to the state board of education and get their advice, and he would have to have their consent in order to make the appointment. We feel this would make our administrative chart correct, the chain of command would be correct, we would pinpoint responsibility. Therefore, if this plan would be adopted, we could take the governor, as the committee has recommended, off the state board of education and then we would still have a sound, administrative chart.

CHAIRMAN MILLARD: The Chair recognizes the chairman of the committee, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, the gentleman from Pontiac, one of the hardest working, most valuable members of the committee, has been entirely consistent on his position. He voted for it in committee and he is entirely within his rights in offering the amendment on the floor.

Nevertheless, for reasons which I do not think need to be repeated, the committee did not see fit to agree with his position, and therefore, on behalf of the committee on education, I ask that the pending amendment be defeated.

CHAIRMAN MILLARD: The question is on the amendment by Delegate Kuhn. The secretary will read.

SECRETARY CHASE: Mr. Kuhn's amendment:

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

CHAIRMAN MILLARD: The Chair recognizes Delegate Faxon.

MR. FAXON: I just want to state that this resembles one which was in committee, but it is not the same. Mr. Kuhn added the language, "to serve at the pleasure of the governor," which was not in the proposal that I had favored in the committee, and I am opposed to that addition.

CHAIRMAN MILLARD: The Chair recognizes Delegate Downs.

MR. DOWNS: Mr. Chairman, I wish to rise, very briefly, in opposition to the amendment. I believe that this violates the separation of education from other parts of state government, and believe it would weaken our educational system and not strengthen it.

CHAIRMAN MILLARD: The Chair recognizes Delegate Dehnke.

MR. DEHNKE: Mr. Chairman and delegates, I want to direct attention particularly to the closing language of the proposed amendment, that "the term of office shall be at the pleasure of the governor." Here we have one of the members of the administrative board, and it is true, as has been suggested during some of our discussion, that the governor has the power to remove, and under the present constitution, that reads as follows:

> The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

It seems to me this language goes far beyond that. Under the other constitutional provision, the governor will be under the necessity of demonstrating to the people of the state his own good faith and that there was some misfeasance or malfeasance in office as well. Under the language we have in this proposed amendment, all he needs to do is write them a letter, "It is no longer my pleasure to have you continue in the office."

I therefore move, if I may do it without presenting it in writing, that the language after the word "be" in the next to the last line to the end be stricken, and the language would then be, "whose term of office shall be fixed by law."

SECRETARY CHASE: Mr. Dehnke suggests the following revision to the amendment offered by Mr. Kuhn: after the words "shall be" strike out the language "at the pleasure of the governor" and insert "fixed by law"; so the language will then read, "whose term of office shall be fixed by law."

CHAIRMAN MILLARD: Mr. Kuhn.

MR. KUHN: Mr. Chairman, I would accept the revision.

CHAIRMAN MILLARD: Without objection, the revision of Delegate Dehnke is accepted. Are you ready for the question? Mr. Kuhn.

MR. KUHN: Mr. Chairman, I would like to answer a couple of points that were raised by Mr. Downs. He is worried about the separation of powers. It should be noted that New Jersey, which was the last state to revise its constitution, has put the power in the governor to appoint the superintendent of public instruction, and also one of our newest states, Alaska, has put the power in the governor to appoint the superintendent of public instruction.

CHAIRMAN MILLARD: Delegate Brown.

MR. T. S. BROWN: Mr. Chairman, I was going to let this matter pass because I had hoped, and I thought that the Kuhn amendment would fall of its own weight, but apparently it is not quite that heavy yet. This reminds me of a matter that was brought before our committee on education, and it was a matter on which we spent considerable time, and I think a matter which involved the greatest controversy on the committee.

I should like, at this time, to talk about the real problem that we face in this and related matters. This is nothing more than another aspect of the problem that we are facing now in the previous section in regard to whether or not the governor should sit on the board of education. Now, what I am talking about is the personification of forms of government. Now, it is not good form to personify anything in the way of principles of government. When an individual's personality, an individual's desires get in the way of the proper exercise of his office, then I think he is wrong.

Now, a couple of days ago, the chairman of our committee — I hope in a jocular vein — indicated that I was a "rat," and I did not rise to a point of personal privilege there, and I hope that in what I am about to say, that this will not necessitate anyone else rising to a point of personal privilege, but I am very seriously concerned about this matter.

There is a certain gentleman in this convention, 1/144 participant in this convention, who did state to the members of the committee on legislative organization — and of my own knowledge I know of this fact — that he made this convention possible. Of my own knowledge, on the education committee, this same particular gentleman wanted the governor to appoint the members of the board of education and he also wanted the governor to appoint the superintendent of public instruction. Now, I think at this juncture, we all pretty well realize what has happened, especially in regard to the matters of county home rule and the matter of the governor's position vis a vis the board of education that we have been discussing for the last 2 days, and I would suggest that at this juncture, this convention is about to plunge precipitously over an abyss from which there is no return, and I level this accusation at all of us, myself included, collectively, that we began, in our body, as the people assembled, and now we are in very grave danger of ending up as genuflectors to a supposedly charismatic personality. And I also say to that particular individual that when you become so engrossed with your own particular aspirations and motives that you cannot distinguish between them and the will of the people, then you are not fit to exercise more than the 1/144 influence upon this delegation.

CHAIRMAN MILLARD: The Chair recognizes Delegate Butler.

MRS. BUTLER: I don't understand, Mr. Chairman, what this genuflecting business is, and who it's to.

CHAIRMAN MILLARD: If the gentleman cares to answer. (laughter)

MRS. BUTLER: It is not genuflecting because we have been told to genuflect, as the gentleman seems to imply.

CHAIRMAN MILLARD: The Chair recognizes Delegate Sterrett.

MR. STERRETT: Mr. Chairman and fellow delegates, the last statement of passing beyond the point of no return would be perfectly all right with me if we should adopt this amendment, because we wouldn't have to return to do any better. Thank you.

CHAIRMAN MILLARD: The question is on the Kuhn amendment, as revised. The secretary advises me we have an amendment to the amendment. The secretary will read.

SECRETARY CHASE: Mr. Madar offers the following amendment to the amendment of Mr. Kuhn:

1. Amend the amendment after "instruction" by striking out "with the advice and consent of the state board of education and"; so that the inserted language would read, "The governor shall appoint a superintendent of public instruction whose term of office shall be fixed by law."

CHAIRMAN MILLARD: Delegate Madar.

MR. MADAR: Mr. Chairman, I wanted to slip this amendment in for a very good reason, which is this: that I have been, personally, for the appointment of certain men in government appointed by the governor without the advice and consent of the legislature. I was for this a good many years ago, and I still am today. I don't believe that any governor appoints any man when he has to do it with the advice and consent of the legislature, whether it be the house or the senate. When it is by this particular method, then it is not the governor who is appointing, it is the senate, as the case is today, over in the capitol, and it would be the same thing with the board of education advising and consenting here. It would be by the board of education, not the governor. Oh, I realize why a lot of people here, a lot of the delegates say "by the advice and consent". I expect to hear them say this on more than one occasion, "by the advice and consent".

The reason I say this is because I have heard, on many an occasion, that if you listen long enough to some people, especially in politics, they will contradict themselves on many an oc-

casion, and I have been listening here today and I have heard an awful lot of contradictions.

First, I heard contradictions as to the idea of changing our entire method of running our educational system, because we want to make it a good educational system. And yet, they say that we have an educational system second to none. For heavens' sake, I don't see how you can make it any better, if it is second to none, and it really is second to none.

I listened today, too, to several states being mentioned as putting the governor on the board of education. Heavens to Betsy, let's stop kidding ourselves, we are second to none in education and these other states that have been mentioned are not any higher on the list than twentieth and some fortieth.

I say right now that I want to keep those responsible for government who should be responsible. If the governor appoints a lousy superintendent of public instruction, then let him take the blame for it. If he appoints a good one, then let the people give him credit for having done a good job, but don't go putting it into the hands of the board of education. That is 8 other people that you are going to have to start laying the blame to, or giving the credit to. I don't think you can do either one with everybody being tied into it. For heavens' sake, let's be consistent if nothing else.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Wayne, Delegate Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I am not going to infringe upon your time and patience by making a speech. I haven't said anything in a couple of days, but I do rise on this one to urge you to stop debating and vote. I think all has been said that can be said on this question, and if we keep on you are going to get spenorious again.

CHAIRMAN MILLARD: The question is on the Madar amendment to the Kuhn amendment. All in favor will say aye. Opposed, no.

The amendment to the amendment is not adopted. Now we will vote on the Kuhn amendment, as revised. All in favor will say aye.

SECRETARY CHASE: A division has been asked for.

CHAIRMAN MILLARD: A division was asked for. Is it seconded? Sufficient number up. Those in favor of the Kuhn amendment, as revised, will vote aye, and those opposed will vote no.

MR. WOOLFENDEN: Point of information, Mr. Chairman.

CHAIRMAN MILLARD: State your point.

MR. WOOLFENDEN: There has been on the walls here an amendment which I haven't heard discussed. It was put up as the Madar amendment, but that was not the amendment as it was read by the secretary, and I think the delegates may be confused as to what is before us right now. On the wall over here is an amendment which I don't understand to be the Kuhn amendment.

CHAIRMAN MILLARD: The secretary will read the Kuhn amendment, as revised.

SECRETARY CHASE: The Kuhn amendment was revised by an amendment offered by Judge Dehnke so that the language to be inserted now reads, "The governor shall appoint a superintendent of public instruction with the advice and consent of the state board of education and whose term of office shall be fixed by law."

CHAIRMAN MILLARD: 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 20. The nays are 100.

CHAIRMAN MILLARD: The amendment is not adopted.

Pursuant to an order of the convention, the committee of the whole will now rise so the convention may recess.

MR. BENTLEY: Mr. Chairman, I move that the committee do rise, if that is correct.

CHAIRMAN MILLARD: The secretary informed me that the Chair could make that statement, so the Chair did. (laughter)

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

VICE PRESIDENT HUTCHINSON: The convention will be in order. Pursuant to orders previously made, the convention stands in recess until 3:45.

[Whereupon, at 3:35 o'clock p.m., the convention recessed; and, at 3:45 o'clock p.m., reconvened.]

The convention will be in order.

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

I have the following requests: Mr. Sterrett, Mr. Iverson, Mr. Yeager, Mr. Stevens and Mrs. Conklin will be leaving at 4:00 o'clock this afternoon in order to make speeches in Detroit this evening, and would like to be excused after 4:00 o'clock.

VICE PRESIDENT HUTCHINSON: Without objection, the several requests for excuse will be granted. The Chair hears no objection and it is so ordered.

General orders of the day. The gentleman from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, I move that the convention resolve itself into committee of the whole to consider matters on general orders.

VICE PRESIDENT HUTCHINSON: The question being upon the motion of the gentleman from Genesee, all those in favor will say aye. Opposed will say no.

The motion prevails. The committee will convene and Mr. Millard will preside.

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

CHAIRMAN MILLARD: The committee will be in order. The secretary will read.

SECRETARY CHASE: **Committee Proposal 47.** We are considering section b. Mr. Faxon offers the following amendment:

1. Amend page 1, line 23, after "education" by striking out "which shall be granted sufficient funds and staff to carry on state responsibilities for education as determined by law"; so that the sentence beginning on line 22 will read, "The superintendent of public instruction shall be chief administrative officer of a state office of education."

CHAIRMAN MILLARD: Delegate Faxon.

MR. FAXON: Mr. Chairman, this was just to clean up the language a little bit. I am sure the delegates are aware of the fact that the language recommended here is legislative, and for the further report on this I should yield to Mr. Bentley, the chairman of the committee.

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: I would prefer the gentleman not yield to me. I wish to speak on the amendment.

MR. FAXON: We had discussed this in committee, and somehow when the proposal finally came through, the deletion of those words didn't come through with it. I didn't find any strong feeling for its inclusion because there is nothing you could do. I mean, obviously, the legislature shall grant sufficient funds but you can't mandamus the legislature into determining what is a sufficient amount of money. So I proposed this simply to clear up the language and to keep in line with what is constitutional language and what is primarily legislative or statutory.

I think this is all that needs to be said, unless Mr. Bentley has any questions. I would like to yield to him for any statement he may — no? Well, I just want to say that if there is anybody on the committee that has any objection to this deletion, I haven't heard of them. I showed this to the chairman, and to the chairman of the subcommittee, and to several other people in the committee, and they felt there was no objection to the deletion of the language.

CHAIRMAN MILLARD: Is the delegate yielding the floor now?

MR. FAXON: Well, to Mr. Bentley. He stands by the microphone.

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, the gentleman, of course, did discuss this amendment with me beforehand, and the gentleman may be correct in that he claims that it is statutory and legislative in nature, with regard to the particular phrase he wishes to be stricken, and he may also be correct in saying that we cannot mandamus the legislature, and therefore the language is unnecessary.

But I believe, Mr. Chairman, that the reason that the committee desired to include this particular language was because of the statements that had been made to us at various times in presentations by the incumbent superintendent and by other gentlemen from the state department of education, in that they felt that in some cases their budgets had been inadequate to enable them to carry out the responsibilities and the duties with which they were charged by law.

It is my recollection that a number of members, if not a majority, of those on the committee on education, felt strongly that the question of adequate appropriations for the state department of education and its officials was so important that we wished to register our belief in this fashion, and therefore desired to include this language under discussion, even though it may be somewhat statutory in nature.

I might suggest to the gentleman from Detroit, Mr. Faxon, that while I do not believe the proposal would be greatly harmed if this particular phrase were deleted, that I would personally prefer to leave it up to the excellent committee on style and drafting to decide whether or not the language is specifically statutory or whether it properly belongs in the constitution.

CHAIRMAN MILLARD: Does the delegate from Detroit have anything further, Delegate Faxon?

MR. FAXON: I think that I would like to yield to Miss Hart and hear what objections she may have.

CHAIRMAN MILLARD: No, the Chair must now recognize the gentleman from Hancock, Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman, fellow delegates, I would just like to say that regardless of this mandamus business, it is perfectly proper to write in a constitutional command to the legislature. That is done all the time in state constitutions and also in the federal constitution, so that a distinction can be drawn between where you can't mandamus the legislature in writing in a constitutional duty which the legislature is called upon to perform and which, if it doesn't do it, it is derelict in its constitutional duty, and then, of course, the recourse is through the polls, through election. But this can be done, and I think this language is perfectly proper and, of course, I think it should remain in the constitution.

CHAIRMAN MILLARD: The Chair recognizes the lady from Detroit, Delegate Hart.

MISS HART: Mr. Chairman, I rise to agree with Mr. Heideman. I oppose the deletion of this particular sentence.

CHAIRMAN MILLARD: Delegate Faxon.

MR. FAXON: Could I have the — I notice that they haven't projected this upon the walls here and I just want to be sure that the delegates know exactly what we are referring to.

The language which I put in for deletion is the end of page 1, the last line in the paragraph beginning,

> The superintendent of public instruction shall be chief administrative officer of a state office of education which shall be granted sufficient funds and staff to carry on state responsibilities for education as determined by law.

This additional language, "which shall be granted sufficient funds and staff", is, in my opinion — and I am not a lawyer here — it isn't constitutional language. Obviously, the legislature is going to grant funds. Now, whether the funds are going to be sufficient to the people who are in the office of education or the people who are in the legislature is another question. I don't think that the words "sufficient funds" are meaningful. I don't think the language is operational.

So, my only concern here is that we have something which is a clear cut statement and leave this determination to the legislature because it is going to be theirs anyhow. That is all.

I would urge the delegates to support the amendment for these reasons.

CHAIRMAN MILLARD: The question is on the amendment to section b offered by Delegate Faxon. The Chair recognizes Delegate Habermehl from Alpena.

MR. HABERMEHL: Mr. Chairman, I would like to direct a question to the chairman of the committee. Is there some danger that, where on page 2 on line 2 you state "carry on state responsibilities for education as determined by law", when previously in section b, on page 1, line 21, you state that the superintendent of public instruction shall be responsible for the execution of its — referring to the state board's — policies. Is there a possibility of conflict there?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, if the gentleman from Alpena will yield, the committee did not feel that there was a conflict. I may say something that I think is obvious, not only to the gentleman but to the committee of the whole at large. We have not been blessed, on the committee on education, with as many lawyers as there have been on some of the other committees. That may or may not have been an advantage from our standpoint in carrying on our deliberations, but I am perfectly willing to say that we did not foresee such a conflict, Mr. Habermehl, and, very frankly, I would hope that if a conflict of this nature should be felt, I would personally be willing to leave it to the committee on style and drafting to iron out any inconsistencies in this respect.

CHAIRMAN MILLARD: The question is on the Faxon amendment. All those in favor will say aye. Opposed, no.

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN MILLARD: A division is called for. Is the demand seconded? A sufficient number is up. All those in favor 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 amendment offered by Mr. Faxon, the yeas are 23; the nays are 90.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Hoxie offers the following amendment:

1. Amend page 1, line 19, after "shall be" by striking out "determined by" and inserting "at the pleasure of"; so the language will then read, "The state board shall appoint a superintendent of public instruction whose term of office shall be at the pleasure of the board."

CHAIRMAN MILLARD: The Chair recognizes Delegate Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, I think it is self explanatory. It is not my desire to precipitate extensive discussion. As the proposal presently reads, I can see the possibility of some dangers in the term of office being granted to a superintendent with the possible change of the members of the board, whereby they might desire to have a different superintendent.

I think we have seen this repeatedly throughout the state, where superintendents have been hired for a certain term, and for some reason or other, the board desires to make a change. The end result is that the contract which has been entered into with the board is complied with, the superintendent is paid off and he goes his merry way. I don't think we want to get in a position where a state board of education couldn't resolve this matter without obligating the state.

So, I offer this amendment to clarify what I understand was the intent of the committee.

CHAIRMAN MILLARD: The Chair recognizes the chairman of the committee, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, the gentleman did discuss this amendment with me previously. I, obviously, have not been able to poll the committee, and so therefore cannot speak for them. Speaking personally, I see no objection to the amendment, since, in my opinion, it does spell out more specifically the intent of the committee with respect to the length of service of the term of office of the superintendent.

CHAIRMAN MILLARD: The question is on the amendment offered by Delegate Hoxie. Delegate Brown, from Wayne.

MR. T. S. BROWN: Mr. Chairman, I am a little tenuous about this, but I think "determined by" would imply, in its terminology, that the board would set a specific time period in which the superintendent would serve, and "at the pleasure of" would not require the board to set any time period at all. If this board were to select a man of stature, and they were to say to this man of stature, "Please come and be our superintendent of public instruction, but you serve only at our pleasure," then, I think this would predispose against his accepting the job.

MR. BENTLEY: Mr. Chairman, will the gentleman yield?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: It is just my opinion that the man of stature whom we hope will be selected to be the new superintendent of public instruction by the new board would be a man of such stature and such prestige that he would — his services could not be obtained without a reasonable degree of security, including, I would assume, some contract or written guarantee of a certain period of time. I think that Mr. Hoxie's fear was that the board might have the desire to terminate his services after the expiration of a given time period and be unable to do so for particular reasons.

Do you not feel that the intent of the committee was that the board should be able to change superintendents if they desired to do so, but that the question of security certainly should be included?

CHAIRMAN MILLARD: Delegate Brown.

MR. T. S. BROWN: Yes, Delegate Bentley. I am not objecting, really, except for the fact that if you take the total connotative effect of "at the pleasure of", then I think it is a little more deleterious and a little more insidious than the total connotative effect of "determined by." That is really what I am objecting to. Now, maybe that is a little far out, and if it is, I apologize.

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

MR. HIGGS: Mr. Chairman and Delegate Bentley, this amendment brings into focus a question that I had been saving, and concerned about and had hoped we might get some further light on before second reading or on the style and drafting committee, of which I am a member. I interpreted the words, "shall be determined by the board", to mean that the board could give a contract to a candidate for this office, and would probably no longer contract than the tenure of the board itself. That is, I don't think, as a matter of law, that the board could bind a succeeding board by its actions.

Is it your understanding, by accepting this amendment, that it would not be possible for a board to offer a contract to a candidate?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I thought I made it quite plain just a moment ago that I thought the board could offer a contract. Furthermore, I don't quite know what the gentleman means by "a succeeding board," since it was our recommendation, I believe, from the committee report, that the board be elected for 8 year terms on a staggered basis, so there would always be a continuing board rather than a whole new board elected at one time. But I tried to make it quite clear that we did not feel, I do not feel that the acceptance of the amendment by the gentleman from St. Louis would preclude the offer of a contract to a superintendent, and I would certainly personally hope that such a contract would be offered.

MR. HIGGS: Perhaps I should direct the question to Mr. Hoxie, then, what his intention is.

CHAIRMAN MILLARD: Mr. Hoxie, do you care to answer? Mr. Higgs.

MR. HIGGS: Mr. Hoxie, is it your intention, by inserting the words "at the pleasure of", to preclude the board from offering a contract to a candidate for this office?

MR. HOXIE: It is not. My only fear is, Mr. Higgs, that in the course of election, in the course of, say, 2 succeeding elections, so there would be probably 4 new members of this board, and perhaps another 2 years — and I would like to clarify this, as far as you are concerned — that we have seen repeatedly, and the courts have substantiated and upheld contracts that have been entered into in the way of employment that extends beyond the time of office of those people, such as your state board would be. In other words, if the members entered into a contract with the superintendent and they were not reelected, that contract would be binding upon the board, regardless of whether or not they were reelected. So that my fear is that we might be tying the hands of the state board of education in the event that they desired to make a change.

I think that they are the ones that are responsible to the people. I think they should be given that authority. But, in answer to your question, it was not my intent with this amendment, nor do I think it precludes the board from entering into a contract for a term with the wording there. If you feel it does, then perhaps it should be corrected, but it was not my intent.

MR. HIGGS: I just want to get at the intent. I would like to ask one further question of Delegate Bentley, then. Did your committee consider the limiting of the term of a contract which might be granted?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I will say to the gentleman from Bay City that I don't believe the committee took particular cognizance of this matter. We felt that it was a question that could be handled very appropriately by statute, if necessary. And I say, Mr. Chairman, that although I respect the interest of the gentleman from Bay City and his desire to plumb the meaning and the intent of the committee, I would hope that he is satisfied on this respect, and I would hope that we could move to a vote on this section.

CHAIRMAN MILLARD: The Chair recognizes Delegate McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, it would appear to me that "at the pleasure of" means just what it says, and that if the board of education entered into a contract for a period of time, they would be acting in violation of the provisions of the constitution, and there might be personal liability but there would be no other liability. That is my thinking on the provision in the amendment.

CHAIRMAN MILLARD: The question is on the Hoxie amendment. The Chair recognizes Delegate Barthwell from Detroit.

MR. BARTHWELL: Mr. Chairman and delegates, since, to me, "at the pleasure of" creates some confusion in my mind, I want to suggest to the committee of the whole that we stick by the committee's original language.

CHAIRMAN MILLARD: The question is on the Hoxie amendment. Delegate Garvin.

MR. GARVIN: Mr. Chairman and delegates, I feel, very definitely, that the proposal should remain as it is for the reason that, as has been stated I believe by Ted Brown and others, that if anyone accepts this position, they have to accept it with some degree of assurance that they will be there for a certain period of time, and "at the pleasure" does not mean that, by any means. It means that he might be there tomorrow and he might not be there next week. So, I would suggest, and I will go along with the committee, that the offer is of a more definite nature as it is written in the proposal.

CHAIRMAN MILLARD: The question is on the Hoxie amendment. The secretary will read it.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1222.]

CHAIRMAN MILLARD: You have heard the amendment. All in favor will say aye. Opposed, no.

The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Hoxie offers the following amendment:

1. Amend page 1, line 19, after "shall" by striking out "be"

and inserting "not exceed 4 years at any one time as"; so that the language will then read:

The state board shall appoint a superintendent of public instruction whose term of office shall not exceed 4 years at any one time as determined by the board.

CHAIRMAN MILLARD: The Chair recognizes Delegate Hoxie.

MR. HOXIE: Mr. Chairman and fellow members, this amendment is offered in all good faith with the idea of the possible dangers that we are getting ourselves into. All this says is that the board cannot appoint anyone as superintendent for a longer period than 4 years at any one time, so that if your board does change — which it is bound to change — it does give the new board an opportunity to make a determination to hire someone else, if they see fit.

I urge you to adopt this amendment and I ask for a division.

MR. BENTLEY: Mr. Chairman, will the gentleman yield for a question?

CHAIRMAN MILLARD: Delegate Bentley, chairman of the committee, is recognized.

MR. BENTLEY: Mr. Chairman, I would like to ask the gentleman from St. Louis why he feels it so necessary to bind the board in this particular respect. Within the 4 year period, if the committee proposal is part of the new constitution, the board will have changed by only 50 per cent; that is, only 4 of its 8 members will have gone through the elective process. There will still be 4 members of the board that originally hired the superintendent, and I wonder why he feels it so necessary to restrict the board to a 4 year term if, in the discretion of the board, they can find a good man and want to put him on a longer time basis.

MR. HOXIE: Mr. Bentley, apparently I don't make myself clear as to my thinking on this question. Certainly, we know the possibility of the board changing, the membership on the board changing from time to time. Perhaps at the end of 2 successive elections we will have 4 new members of the board. Perhaps 2 years later, there may be 6 new members of the board.

Let's assume, if we may, that the board would hire the superintendent for a 10 year period, and it was done legally. What happens then if the board changes and they wish and desire to hire a different superintendent? The end result will be the same as we have seen throughout the state, where boards of education have paid off teachers and superintendents because they were under contract, and I think this is a safeguard. I think by the wording "determination by the board", leaves the door wide open. I think this is a safety measure that we should adopt to the benefit of the people of the state. Let's say we have a good superintendent, certainly the board will continue his services. It seems to me that anyone that is interested in this position, with a guaranteed contract of 4 years to start with, is a long enough term for the board to determine whether or not they want to continue his services.

CHAIRMAN MILLARD: The question is on the Hoxie amendment. Division has been called for. Is there sufficient number up for a second? The Chair recognizes Delegate Barthwell.

MR. BARTHWELL: Mr. Chairman and delegates, one of the things that was very emphatically impressed on me in the committee meetings was that the advantage of this officer being appointed rests in the fact that he could have security and you could attract men of higher caliber, and it seems to me if we are going to write into this constitution a limitation to his security, then we are starting out now to defeat the very thing that I thought we were accomplishing.

I would urge the delegates to vote against the amendment.

CHAIRMAN MILLARD: The Chair recognizes Delegate Higgs.

MR. HIGGS: Mr. Chairman, I would like to plumb the education committee a little further, if I may, if Delegate Bentley will respond. Are you opposed to this amendment?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, in response to the gentleman from Bay City, I personally feel it would be helpful if the board would be left with the discretion of setting the time for mutual agreement between themselves and the superintendent.

MR. HIGGS: Would there be any limitation at all, then, in your judgment, on how long a term the board could grant? For instance, could it be 10 years?

MR. BENTLEY: I feel that that is a matter that can be handled by statute.

MR. HIGGS: Would you say that the legislature would have the power, by statute, to limit the constitutional power that we grant them?

MR. BENTLEY: Mr. Chairman, in reply to the gentleman from Bay City, I am not, as I said before many times, a member of the legal profession and I don't recall any protracted discussion within the committee on this point, except to reemphasize the point made by the gentleman from Detroit, Mr. Barthwell, that we did believe that the question of security was an important one and we felt that one of the advantages in having an appointive superintendent was that he would be secure in his job for as long a time as he and the board could come to terms.

MR. HIGGS: Thank you. Mr. Chairman, I would like to conclude in that I feel — and I would like to hear from other delegates if they disagree — but I feel that the Hoxie amendment has a great deal of merit, because I really don't think that the legislature would have any power to limit the constitutional grant that we have set forth in section b.

CHAIRMAN MILLARD: The question is on the Hoxie amendment. A division has been called for. Is there a sufficient number up for a second? A sufficient number is up. All those in favor of the Hoxie amendment will vote aye. Those opposed will vote no. Have you all voted? The machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hoxie, the yeas are 34. The nays are 77.

CHAIRMAN MILLARD: The amendment is not adopted. Are there any further amendments? If there are no further amendments to section b, it will be passed.

Section b is passed.

SECRETARY CHASE: Section a, an amendment is pending. The amendment is offered by Messrs. Boothby, Brake, Dean Doty, Leibrand, Finch, Sharpe, Dehnke, Miss Donnelly and Mr. Downs:

1. Amend page 1, line 16, after "law.", by striking out "The governor shall also be a member of the state board of education.".

CHAIRMAN MILLARD: The Chair recognizes Delegate Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, I think this question has been exhausted, as far as debate is concerned, and I will not prolong the time of the delegates here on going over and reiterating the various points that have been made on both sides or on behalf of those who are asking for support of this amendment.

I do point out that it is a very vital matter that we are facing here, because, in my mind, the question of the governor being on the board of education or not being on the board of education is simply the question of whether you are going to allow the board of education to become a political arena or whether you are going to follow the traditional approach that the people of Michigan have followed, and that is to keep, as best they can, education out of the political arena. I have always worried about the placing of education in a situation where it would be used as a political football for the advantage of one particular party or one particular person in public office. I urge the support of this amendment, which we have submitted to you, which would delete from the committee proposal the provision which would allow the governor to not only sit on the board of education, but also to vote on the board of education.

I urge the adoption of this amendment.

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

MR. DOWNS: I would like, very briefly, to speak for this, since we did discuss it earlier. I would just point out that if

the governor is on this board, he would then participate in a vote and later on, as chief executive, be asked to review what was done. This might come up in budget or other policy matters. I believe it is unsound governmentally, and I urge the support of the amendment to delete this sentence.

CHAIRMAN MILLARD: The Chair recognizes Delegate Faxon.

MR. FAXON: Mr. Chairman, and members of the committee, yesterday I spoke on behalf of keeping the language, now I am reversing myself, but that is because additional information has been brought to my attention. Originally I felt that there ought to be a tie in, and I voted for the appointment of the superintendent by the governor, because I felt that would be a much more direct tie in. Now I understand that the inclusion of the governor on the state board — we went ahead and did this in committee, it was a compromise, it was done rather quickly, and I don't believe anybody in the committee bothered to find out what the wishes of the governor were on this matter.

I think the executive committee, at least, had the courtesy of asking the governor, the present governor of the state, or any previous governor, what his position was with regard to executive appointments. We went ahead and put the governor on the committee, and no one asked whether the governor felt he ought to be on the committee. It seems to me that the governor doesn't seem to be happy in his position on the committee, in having to serve on the board of education. I don't think we ought to force him to take this position.

I want to call to the attention of the delegates article VI, section 3, which states that:

> The governor shall take care that the laws be faithfully executed; 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.

It seems to me that there is constitutional provision now for the governor to request the necessary information in order for him to carry out the mandate of his office. It seems to me that the governor can actively participate, if he so desires, and that the board of education will not deny him an opportunity to speak before it, if there is a matter of pressing urgency.

It seems to me that if the governor feels that his time is required of many agencies and officers, it would be best not to pinpoint a specific one, because I am certain that this may be a source of some embarrassment, participating in budget for this and not being able to participate in the budget making process, say, for mental health or other agencies of government which may feel equally touched by the need for the governor's action.

With these statements, Mr. Chairman, I support the amendment submitted by Boothby, et al.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Ann Arbor, Professor Pollock.

MR. POLLOCK: Mr. Chairman and fellow delegates, the members of the committee of the whole, a good many of them, have scratched all sorts of things on this committee proposal. They have moved this. They have moved that. Cut out a word here, put in a word there, scratched the whole sentence, and all of these have been turned down. I presume they were turned down in the committee in the first place.

Some of us felt that it would be better to have the governor appoint the superintendent of public instruction. I thought this. This has been defeated. Others thought he should be elected. This has been defeated. Every other possible combination has been defeated. I submit that we go back to the obvious compromise which the committee framed in the first place and let this be the judgment of the whole. I am, therefore, opposed to this amendment.

CHAIRMAN MILLARD: The question is on the Boothby, et al, amendment.

MR. BOOTHBY: Mr. Chairman, I would like to ask that we have a division on this question.

CHAIRMAN MILLARD: A division has been called for. Is there sufficient number up? There is a sufficient number. Delegate Norris.

MR. NORRIS: May we have the specific wording of the amendment read, sir?

CHAIRMAN MILLARD: The secretary will read.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1224.]

CHAIRMAN MILLARD: All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Boothby and others, the yeas are 63, the nays are 57.

CHAIRMAN MILLARD: The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Hubbs offers the following amendment:

1. Amend page 1, line 9, after "legislature" by striking out "and to the people"; so that the sentence beginning in line 7 will read:

> In addition, it shall serve as the general planning and coordinating body for all public education in the state and shall provide advice to the legislature as to the amount of state support required.

CHAIRMAN MILLARD: The Chair will recognize Delegate Hubbs.

MR. HUBBS: Mr. Chairman, fellow delegates, I am tempted to spend about an hour and a half talking this afternoon. Every time I get up to make an amendment, somebody has just finished talking about scratching and off the cuff and off the top of your head. Well, I have been waiting for 2 days to get this one up here, and I have previously made some remarks in regard to it. But I also notice that the longer you talk, the more people start thinking about your project and before you are done, why, you get people talking on all sides, and I might even win if I talk long enough. So, settle down, and I am going to begin now and see if I can't win one, for a change, instead of coming up here and speaking my piece and sitting down in a hurry.

It has been said that educational expense is about 50 per cent of state expense. On this basis, it seems fair to assume that education will continue to be given adequate support in the legislature. These words presume the necessity of promoting educational programs to gain financial support. The words that I am referring to are "and to the people". It seems to me, as I said yesterday, that these words are constitutional authority to lobby the public with tax money without regard to economy. It looks to me like a large loophole for state tax moneys to pour out in support of projects dreamed up by people on the state board of education which, while worthwhile and noble, I don't think this is the way to go about getting support in the legislature, by putting the pressure on the people by the state board of education. The legislature is supposed to represent the people, and they should not be circumvented in this manner and thereby weakened. I thought that we came down here to strengthen the legislature, and I suggest that these 4 words should be deleted, and the sentence, then, would provide the kind of operation that we need at this level.

The state board of education would make its recommendations to the legislature. The legislature, representing the people, would judge the quality of these recommendations and then appropriate sufficient money. I do not believe that we should permit the state board of education to lobby the people for the projects that they want to put across. This is completely wrong. It is going to lead to a great expense to sell the people on projects when they should be talking to the legislature at close range.

I will slow down a little bit, and if anybody would like to get up and talk on this subject, why, maybe I will quit. Otherwise, I might keep on going for a while to see if I can't get a little support for this amendment which, to my point of view,

should produce economy in government. That is what we came down here for, and I am afraid that a lot of things that we have been doing so far are not going to produce any economy in government.

So, with that, I will yield the floor to anybody who might like to take up here. Thank you.

CHAIRMAN MILLARD: The Chair recognizes Delegate Anspach.

MR. ANSPACH: Mr. Chairman and members of the committee, if you wish to speak — if so, I yield to the chairman of the committee.

CHAIRMAN MILLARD: Mr Bentley.

MR. BENTLEY: I merely wish to say we are opposed to the amendment.

CHAIRMAN MILLARD: Mr. Anspach.

MR. ANSPACH: Mine is merely a comment. It is a matter of explaining my position to the standpoint of these words, Mr. Hubbs. For a period of years, since I have been in education, there has been a great deal of criticism of the fact that insufficient information has been going to the legislature and to the public, and my interpretation of this is quite different than yours. You are taking the position that this is for the purpose of lobbying the people of the state. My position is the opposite position. This is to give information to the citizens of the state so they can come to fair judgment as to whether there is too much going into education or whether there isn't enough going into education. So, it is my mistake here, I think.

The chairman said something about a story, here. You see, Mr. Hubbs interprets it this way, and he, according to his interpretation, is right, and I interpret it the other way, which is, of course, my right. It is like this man who came out of his house one morning and it was raining, and he said to his wife, "I need an umbrella." She said, "You have 6 umbrellas. You have broken all of them. You have taken them down to get them repaired. You were forgetful, you have forgotten to pick them up. So, through the rain for you this morning." So he went out and got on a bus, sat down alongside of a very nice looking lady. It came his time to get up and leave, he picked up her umbrella. She said, "That's my umbrella," and he apologized and said, "That's right," and gave it back. That night, when he came out of his office, it was still raining. He thought of these 6 umbrellas and went down and got them, all 6 of them, and he got out and got on the bus and sat down, and to his amazement, he was sitting aside the young lady who had occupied half the seat in the morning. She took one look at him and one look at the umbrellas and said, "Well, you've had a good day, haven't you?" (laughter)

CHAIRMAN MILLARD: Does Delegate Hubbs wish to answer?

MR. HUBBS: I don't have a funny story to tell right now. I'll have to think about it.

But the fact that Dr. Anspach and myself differ on the interpretation of this thing is all the more reason that we should spend some time on it, because I can see a great danger here, and apparently he can't. As far as I am concerned, I am not against education, and I am not against the legislature being informed and the people being informed, but I feel that the proper people to inform the people are the newspapers and the radio and TV, and they will inform the people when the state board of education talks to the legislature.

I feel that given a legislature who might tend, occasionally, to be somewhat economy minded, whereas the members of the state board of education might feel that they needed a whole lot more money, then they would look at the constitution and say, "Well, fellows, we haven't got any problem. We will just hire one of the 'narrow tie, blue shirt' boys to do a little press relating to the public, and we will take $50 million or something out of our fund, or maybe ½ million to start with, and we will sell this program to the people whether the legislature likes it or not."

So, the fact that you and I come to different conclusions as to these words, I wouldn't want to leave it to style and drafting because I assume that it is substantive; money being rather substantive, from my point of view, and that is what this involves — economy.

I hope that we will plug this little loophole to a potential expenditure, which I don't consider a legitimate one, and get about the business. I am going to try and win this one if I have to stay here for quite a while.

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

MR. WANGER: Mr. Chairman, members of the committee, I think Mr. Hubbs has a very good point, but there is no other office or agency of state government which has express, and I believe self executing constitutional authority, to directly advise the people, which, of course, includes buying time on the radio, time on television, ads in newspapers, and other things of that nature to inform the people, with taxpayers' money, of their particular point of view.

While I am sure the committee on education, at least I hope, certainly did not intend that their proposal would authorize the board to do this, I think, looking at the language he wants to delete, there is a possibility that the language could legally be interpreted to authorize those things.

I think that every authority established in the constitution has power to inform the people in the form of the traditional means of informing them, such as we have now, and I am satisfied that those means are adequate and that we did not need to create a constitutional question by putting these words in the constitution, and, therefore, urge your support of his amendment.

CHAIRMAN MILLARD: Delegate Norris.

MR. NORRIS: Mr. Chairman, I did not serve on the education committee, and I don't know all of the reasons which motivated the language, but looking at section a, I understand that the board of education is to have a leadership function as well as a supervision function. It is to indicate to the people of the state, in the form of advice, the amount of state support required for the very fundamental object of education. I think there is a general strain of thinking in this report of the importance of education to the people of the state, and that while Michigan has made significant progress, significant progress can be made in the future and that it ought to be continued.

I think we ought to recognize that not only do we have a leadership function to be exercised on the part of the board of education, we have a leadership function to be exercised on the part of the people. There is a sincere question as to whether or not all of the people of the state of Michigan have that quality and quantity of comprehension as to the function of education in the kind of age in which we are entering. Yesterday Colonel Glenn distinguished himself and gave great pride to all Americans with his feat and the 25,000 technicians that went behind it; it seems to me that this constitution should express what he indicated to be the state of his own constitution, namely, as he stated, "excellent". If we are to project our country and, indeed, our survival and our growth into the twentieth century, we have to look upon education in just a little different way than we have in the past.

As I understand it, it is a basic proposition of this section to advance the concept of a board of education as one giving leadership as well as just providing administerial supervision, and in keeping with that, I think it ought to take such steps as, in its view, may seem appropriate to provide the kind of information that Dr. Anspach has indicated, statistical information, probative information and, given general currency in suitable form, it need not necessarily involve expenditures of money of the kind apprehended by the author of this amendment. I think if you give this constitution, as we look upon Colonel Glenn, in terms of saying that our motions and our projectory should give our constitution more orbit than obituary, we should give this kind of concept to this section.

I would concur heartily in the spirit and letter of the committee proposal, and would ask people to support it.

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

MR. McALLISTER: I would like to support the Hubbs amendment. It appears to me that this gives unlimited

authority to spend the people's money to lobby for matters that should not be paid for in this respect.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Detroit, Delegate Faxon.

MR. FAXON: As a member of the committee, I think that some of the members of the committee of the whole have misinterpreted what we mean here. First of all, the only information which is being given is information as to the amount of state support required, and as I understand it, the place that the money is derived, where the money comes from is the legislature, and I don't believe the legislature is going to appropriate money to the state board of education for the dissemination of information of a propaganda nature. I think what we had in mind here was that the people ought to know what amounts may be expected or what the expenditures and costs of education are, and, in the way of being specific, I think the most that this would involve, in terms of the actual operation of this little word, is that a brochure or an information sheet would be given out which would be available to the people to see what education costs in Michigan. The total cost and the breakdown and what recommendations the state board may want to make to the legislature, the people ought to know, too. I think that we are over exaggerating what this might mean.

As long as the legislature maintains control over the amounts of money that the state board receives, and how that money is to be spent, I think that I will trust the legislature to see to it that this is not used as a means of going into the business of public information.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Fennville, Delegate Hutchinson.

MR. HUTCHINSON: Mr. Chairman, paying attention to this language, saying that the state board of education shall provide advice to the legislature and to the people as to the amount of state support required raises 2 questions in my mind. The first has to do with budget procedures, which, I suppose, will, in the future, as they are now, be an executive budget. It would seem to me as though the amount of state support required, desired, or available, for that matter, for the field of education would be a matter which would have to be submitted to the legislature through the executive budget.

I don't understand how this kind of advice, which, obviously, has to do with finances since it is advice of state support, if it is intended that this is to come directly to the legislature and bypass the governor, just how is that going to fit in with the budgetary provisions of the constitution? Haven't we got a conflict here? Is it your intent that this contact shall be directly to the legislature? Apparently it bypasses the budgetary procedure. That is the first question.

The other question has to do with the field of public relations. This problem of public relations in government is something which has definitely grown up in the past few years since world war II, very obviously. We used to think, or at least I did when I was in my early years in the legislature, that it was not the function or the proper responsibility of an agency in the government to go out and sell to the people or influence the people as to the work of its services or as to the work of its programs; but that information and influence should be placed upon the legislature, that is to say, directed toward the legislature.

I am willing to say that back a number of years ago, when the treasury department of the United States — I believe it was they — and the armed services used to start to finance programs on the radio. It was quite surprising to me. I didn't think it was proper. We have this problem of public relations. But, as I read this language here, which we are now considering, it seems to me as though we are building right into the constitution a public relations function, and I am reminded of what has happened in regard to several of the executive departments in recent years, where, by reason of their public relations' activities, they have literally produced reams of press releases and other stuff intended to attract the attention of the public sometimes in 4 or 5 colored printed brochures. One department of government or another department of government and so on, in order to attract public attention and support to a particular program.

We are all for education. We are all for education, and I don't deny, for a minute, the importance of education in the middle of this twentieth century. But, of course, we also have to keep in mind the fact that the course in which education is to take, the emphasis that is to be put upon certain education, certain methods of education, certain areas of education, and all that, leads that into the political arena, perhaps not in a partisan political sense, but they get into the political arena. I am greatly concerned about the language that is here, because I think that in its breadth we are writing into this constitution constitutional power for a board of education acting under its constitutional power to advise the legislature and the people as to the amount of state support required that will give them constitutional power to use any amount of money necessary in order to carry on that advice, to make that advice felt, to make it available, and if anybody is surprised that the legislature would be concerned at our idea that we needed a million copies of the address to the people, in connection with the end product of this convention, I think that we will, in the future, be surprised, perhaps, at the amount and the great volume of material that would be forthcoming under the guise of public relations under this constitutional grant of advice, out of the department of education or the state board of education.

Perhaps the situation might evolve into the situation where the education department will have this constitutional grant of authority to do all this, whereas all the rest of the departments in state government will have to go to the legislature in order to satisfy the legislature in its budgetary and appropriation processes that they need a certain amount of money to inform the people about the work of their programs.

So, I leave you with these 2 questions, and neither one of them, have I been able to resolve in my mind from reading this language. I understand the intent of the committee, and if, somehow or other, after further working on this section, before the final constitutional provision is finally adopted, we can refine it and do a better job, perhaps, of defining what the intent of the committee actually is, I think that will be our absolute duty, because as it now stands I see a great loophole here, and it will be in the constitution, too. It will be hard to change.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Alpena, Delegate Habermehl.

MR. HABERMEHL: Mr. Chairman, I think Mr. Hutchinson has expressed most of what I intended to say. I would like to draw this, though, in practical terms. The committee, I believe, anticipated the establishment of a state office of education. On line 23, page 1, they refer to a state office of education. Then, on these budgetary matters, apparently the state board of education would decide upon a certain figure. This would be transmitted to the governor for his approval. And he, of course, would have the right to make changes in it. The governor would then transmit it to the legislature. If, however, the legislature made any further changes in it, we would here grant a constitutional power to the state board of education to take their case, by any means whatsoever, in contradiction to the head of their own department, in contradiction to the governor's office, and in contradiction to the legislature, and plead their case before the people with the use of state funds. This is a monstrosity.

CHAIRMAN MILLARD: The Chair recognizes the delegate from Detroit, Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen, I can't pass up this opportunity to be a bit jocular, but after all the argument that we advanced Monday evening with respect to the post constitutional convention budget, it is rather gratifying to see that we have now won some converts for that line of thinking. Thank you.

CHAIRMAN MILLARD: Delegate Hodges from Detroit.

MR. HODGES: I think Mr. Binkowski expressed what I was going to say. I was just going to say that Mr. Hubbs, I think, could be justified in his conclusion that bodies are liable

to do this, because he was just a member of a body and also voted to propagandize that body to the tune of a $1/3 million.

CHAIRMAN MILLARD: The Chair recognizes Delegate Perras.

MR. PERRAS: Mr. Chairman and delegates, I just rise for a point of information. All the delegates have talked for removing this word "people" from this section, and it seems that nobody from the committee has stood up to kind of testify why they put that in. I would like to find out why they put that in and what the intent was before I vote intelligently on this thing.

CHAIRMAN MILLARD: Anybody care to answer the gentleman's question? If not, the Chair recognizes Delegate Norris.

MR. NORRIS: Mr. Chairman, following through Mr. Perras' question, I would like to direct a question to the chairman of the committee, if I may, and that is: is it not the contemplation of the language of the proposal that advice to the people with regard to the amount of support for education would be financed by budget that would be approved by the legislature, and that the nature by which this advice would be communicated would be a matter upon which the legislature would express a judgment? So that the question of lobbying for the people might be an irrelevant matter?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I would concur in the interpretation placed on it by the gentleman from Detroit. The reason I did not respond to the question of the delegate from Nadeau, Mr. Perras, was because I was planning to speak on the amendment myself before discussion terminated, and endeavor to explain, and I hope to the gentleman's satisfaction the intent of the committee in inserting this language.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, now that we have taken the governor off the board of education, it seems to me there is further defect in this language, which was raised by Mr. Hutchinson. It seems to me that this advice by the state board of education should not be to the legislature but should be to the governor. The governor is the chief executive, responsible for the budget, trying to fit the expenditures for education into the rest of it. I wonder if we shouldn't, in addition to adopting the Hubbs amendment, provide that they will furnish advice to the governor, and to the legislature when requested, but it should be to the governor. This board should not bypass the chief executive. I realize that your language was drawn in contemplation of the governor being a member of the board, but I ask you whether or not, in view of the action of the committee of the whole and if sustained by the convention, if it should not be advice to the governor, and to the legislature when requested, and if this isn't sufficient, that with the newspapers the general public will be informed.

CHAIRMAN MILLARD: Is that directed to the chairman of the committee?

MR. W. F. HANNA: Yes.

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Well, Mr. Chairman, if the action of the committee of the whole is, of course, sustained by the convention, I would be willing, of course, to admit that the gentleman from Muskegon has a valid point there. I would not be prepared to concur in the deletion of the words, "and to the people", but I would concur that the insertion of the words, "to the governor", if the governor is not to be a member of the state board, would have a certain amount of validity.

CHAIRMAN MILLARD: The Chair recognizes Delegate Hubbs.

MR. HUBBS: I would just like briefly to answer Mr. Norris. He used what I consider the "motherhood" approach to defeating this change. You know, you don't dare touch the sacred cow of education, or pull a feather — not a feather — from her tail, because cows don't have feathers in their tails. (laughter) You see, Dr. Anspach, I don't have to tell jokes to be funny.

What I would like to have is a division when we vote on this, and I would like to have you people who are seriously interested in economy in this state in the future to vote for this amendment.

CHAIRMAN MILLARD: The Chair recognizes Delegate Douglas.

MR. DOUGLAS: Mr. Chairman and fellow delegates, I am not going to try to answer the question specifically, but I think that we should try to separate, in section a, the first sentence from the second sentence. The first sentence here:

> There shall be established a state board of education which shall provide leadership and supervision over public education including adult education and instructional programs in state institutions other than colleges and universities.

Now, the function of the state board of education in the second sentence is different.

We had a very difficult time, and this was a little touchy subject here; we were trying to create within the state board of education a function of coordinating and planning, and the minute you start to talk about coordinating and planning in higher education, you are on a very touchy subject. There was some criticism brought to our attention that higher education had not been too responsive to the legislature as to the finances. I think that those in higher education responded quite well, and they showed the committee where they did submit to the legislature all the proper documents showing income. Somewhere else, in the latter part of the sentence, we have provided there that they will show this income. But still, the problem arose in the state of Michigan, we have nobody to say whether or not a certain institution shall expand to a point, no one knows where, and we, on the committee, felt that somewhere along the line in the entire educational program there should be some body, some central body that could at least say, well, schools A, B, C will not have a medical school or a dental school.

This is part of the entire program. How can this be done? One thing brought to our attention was that a state institution can't expand too much because the legislature holds the purse-strings, but we also had other evidence that different institutions do have somewhat of a lobby, or influence people who go throughout the legislature trying to get the things that they want. So, I think that the language here resulted from our many discussions on how shall this body influence the legislature, how shall the people know what kind of higher institutions we shall have. I want to repeat that the second sentence here has to do with the state board of education and their function and coordination with the higher institutions.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, Mr. Bentley, the chairman of the committee, stated some time ago that the committee did not have the opportunity to have perhaps as many lawyers within its membership as some other committees have. Perhaps, therefore, some language in the report was not, from a legal standpoint, quite expressive of the committee's intent. As one of the lawyers here, I do want to remind the delegates that while intent of the committee is important, what is even more important is what the words actually say, and I want to emphasize what the words say here, "advice to the people" on this subject could be interpreted as authorizing some of the evils which have been suggested on the floor.

I think, without unduly belaboring the point, it should be added that the board will be a partisan board. That is, it will be elected on a partisan basis, having been nominated at a party convention, and that there is certainly no other partisan elected or nominated office in the constitution which has words surrounding it which could be so construed. I therefore suggest that the committee's intent will best be shown by every member of the committee voting in favor of the Hubbs amendment.

CHAIRMAN MILLARD: The question is on the Hubbs amendment. Mr. Bentley.

MR. BENTLEY: Mr. Chairman and ladies and gentlemen of the committee, the committee on education was certainly not attempting to look under the bed to try to discover a propagandizing agency in the newly created state board of

education. I seem to recall within a fairly short period of time ago, I think it was only yesterday to be exact, that there were a great many statements made here on the floor of this convention by various delegates, not members of the committee on education, regarding the splendid work done by the committee on education with regard to the new concept of the enlarged state board of education. We felt, as I stated and as was stated by other delegates, that this represented one of the most constructive achievements which had come out of our entire committee during the work which we had done. We felt and I felt that that thought was shared by the majority of the delegates here, that the new state board of education would be one in which all the people, educational and noneducational alike, could have confidence. But now, the committee of the whole has acted to decrease the membership of the state board by one member, and now the committee of the whole, at least certain members of the committee of the whole, are voicing their mistrust of this agency to such an extent that they are afraid it will turn into a lobbying organization using public money to lobby the people of the state around and behind the backs of the legislature for new money.

I think, Mr. Chairman, it might be helpful to the delegates for them to turn back and just review very briefly those paragraphs of our supporting reasons in which we explained our concept of the function of the state board of education, and I am going to read those 3 short paragraphs at this time.

[Paragraphs 6, 7 and 8 of the supporting reasons were read by Mr. Bentley. For text, see above, page 1188.]

Mr. Chairman, I can assure the delegates here assembled that it was far from the thought of any member of the committee on education to set up a super propagandizing or super lobbying organization here in this respect.

If, in accordance with the suggestion of the delegate from Fenneville, Mr. Hutchinson, the distinguished vice president of the convention, we might on further examinaton, whether in the education committee or in the committee on style and drafting, adopt words which would more clearly specify and carry out the intent of the committee on education, I believe that our committee would have no objection. But merely to say that we are going to remove this part of the proposal with no substituted language suggested is, I think, showing a lack of trust and confidence in the proposed new state board of education regarding which delegates only yesterday were so laudatory, and also, I might suggest that it shows to some extent a lack of confidence in the committee on education, which I hope is not the intent of those delegates who address themselves to the support of the pending amendment.

The state board of education, Mr. Chairman, as the committee on education conceived of it, was a coordinating body between the people, the state government and educational circles throughout the state. To properly fulfill the concept that the committee had of the state board of education in this manner, we felt that it was important that the state board of education should advise the state government — whether through the person of one of its members or directly to the governor, if he is not to be a member — should directly advise the legislature and should advise the people regarding its overall recommendation as to the financial needs of this state in the field of public education at all levels for these many years to come.

I am sorry, beyond more words than I can say, that the distinguished member of our committee, the gentleman from East Lansing, Dr. Hannah, is not here today, because he spoke so eloquently in the committee, and I cannot and do not have the power to reecho his words and his explanation in this concept. But I feel sure that if he were here today, he would strongly urge the retention of the committee proposal and the defeat of the pending amendment because of our very real hope that this board of education, the real milestone, insofar as I, as chairman of the committee, am concerned, which the committee has performed in its deliberations, should act as this coordinating body between the state government and the legislature and the people, and, as such, have equal right of access to all 3, laying down its considered opinion as to what the needs of the state are. Certainly, with respect to those distinguished delegates who have voiced fears that the state board of education would be lobbying on public funds, I remind them that after all, the legislature, I would assume, would have some control over the amount of money to be granted to the state board for this or for any other purposes, and I doubt very much that the legislature would grant lobbying funds to the state board to permit such a board to lobby behind its back.

But sincerely and honestly, ladies and gentlemen and Mr. Chairman, the committee on education had no such intent when it conceived this language, and I beg you to believe of us that we would be the strongest supporters of the amendment if we felt there were any real danger of this terrible prospect arising.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Bentley is entirely mistaken if he thinks that my support, and I am sure the other people whose support for the Hubbs amendment, is evidence of any mistrust whatsoever with respect to the intentions of any member of the committee on education. But the point is simply this: that we want to write a constitution which will last long after we are gone and that in which case it will be interpreted long after we are gone.

The problems of interpretation in this language have been clearly pointed out, and I am sure that no person supporting this amendment, which we ask you to support and adopt, has any thought at all that it will weaken the power of the board of education to advise and offer information to the people, the same as any other office or unit of government could do. We merely wish to remove the language which could be interpreted in the future, perhaps by the people not yet even born, in such a way as to be to the detriment, rather than to the benefit, of the people of the state of Michigan and to our system of education.

CHAIRMAN MILLARD: Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman and fellow delegates, I do not think the chairman of the education committee and distinguished delegate from Owosso has been lacking in eloquence. I think he has been most eloquent, indeed, in defining our position, and I wish to endorse him.

CHAIRMAN MILLARD: Delegate Downs.

MR. DOWNS: Mr. Chairman, I believe this is another one of those situations where we are all agreed upon the intent, and I would like to rise in agreement with the report of the chairman of the committee, and I believe certainly the intent here is to see there is more coordination, yet not put various agencies in a straitjacket.

I would suggest, if it is agreeable to the committee, that the problems that have been raised might be ironed out in style and drafting. I think this is a case where the convention delegates are agreed upon intent, and I would urge the adoption of the language as it is, with the understanding that style and drafting do some revision, if necessary, to make it more clearly consistent with the intent of the committee.

CHAIRMAN MILLARD: The question is on the Hubbs amendment. All in favor will say aye.

A DELEGATE: Division.

CHAIRMAN MILLARD: A division has been asked for. Is there a sufficient number up? Sufficient number up. The question is on the Hubbs amendment and the secretary will read it so everybody will know.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 1225.]

CHAIRMAN MILLARD: If there are no further amendments, the section will pass.

Section a, as amended, is passed. The question is on the proposal, as amended. All in favor will vote aye, and opposed will vote nay. Have you all voted? The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hubbs, the yeas are 60, the nays are 51.

CHAIRMAN MILLARD: The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Chairman, there are no further amendments on the desk.

CHAIRMAN MILLARD: Mr. Durst.

MR. DURST: Mr. Chairman, I move that we reconsider the vote on the Boothby-Brake amendment to section a of Committee Proposal 47.

CHAIRMAN MILLARD: The question is on the motion to reconsider. All those in favor of reconsideration will say aye; opposed, no.

A DELEGATE: Division.

CHAIRMAN MILLARD: A division is called for. Is there sufficient number up? The demand for a division vote is supported. The question is on the reconsideration of the Boothby amendment which has been previously adopted. The secretary will read the amendment.

SECRETARY CHASE: The Boothby amendment, on which the motion is to reconsider —

MR. BENTLEY: The vote is not on the amendment; it is on the motion to reconsider.

SECRETARY CHASE: May the secretary clarify the situation? The question, as your secretary understands it, is on a motion to reconsider the vote by which the Boothby amendment was adopted, and the Boothby amendment was as follows:

1. Amend page 1, line 16, after "law.", by striking out "The governor shall also be a member of the state board of education.".

CHAIRMAN MILLARD: All those in favor of reconsideration will vote aye, and 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 motion to reconsider, the yeas are 45, the nays are 74.

CHAIRMAN MILLARD: The motion to reconsider does not prevail. The Chair recognizes Delegate Brake.

MR. BRAKE: A question to Mr. Bentley: I notice you make no provision in this section for filling of vacancies on the board. Is that to be taken care of some other place in the constitution or are you just leaving it blank?

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: We did not take care of this contingency, I will say to the gentleman from Stanton, and if the gentleman wishes to offer an amendment to so provide, why, the committee would, of course, consider it.

SECRETARY CHASE: Mr. Lesinski and Miss Hart offer the following amendment:

1. Amend page 1, line 16, after "law.", by inserting "The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.".

CHAIRMAN MILLARD: The Chair will recognize Mr. Bentley, the chairman of the committee.

MR. BENTLEY: No, no. The proponent of the amendment first, Mr. Chairman.

CHAIRMAN MILLARD: Delegate Lesinski.

MR. LESINSKI: Mr. Chairman, this amendment is proposed to provide for vacancies and to be consistent with what we adopted yesterday as pertaining to section b, Committee Proposal 98, which relates to the 3 universities.

CHAIRMAN MILLARD: Delegate Bentley.

MR. BENTLEY: Mr. Chairman, it is difficult to comment on an amendment having just immediately seen it. I will agree with the gentleman that it is consistent with the policy we adopted yesterday regarding filling vacancies on the governing boards of the higher institutions. I have no opinion. I just can't make a statement on behalf of the committee at this time.

CHAIRMAN MILLARD: The question is on the amendment. The Chair will have the secretary read it once more, so we will all know what we are voting on.

SECRETARY CHASE: The amendment is:

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

CHAIRMAN MILLARD: The question is on the amendment. All in favor will say aye; opposed, no.

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

Committee Proposal 47, as amended, is passed. Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I move the committee do now rise.

CHAIRMAN MILLARD: The motion is that the committee now rise. All in favor will say aye. Opposed, no.

The motion prevails.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had certain matters under consideration on which the secretary will make a complete report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 47,** A proposal to replace sections 2 and 6 of article XI; reports the proposal back to the convention with 3 amendments, recommending the amendments be agreed to and the proposal, as thus amended, do pass.

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

1. Amend page 1, line 9, after "legislature" by striking out "and to the people".

2. Amend page 1, line 16, after "law.", by striking out "The governor shall also be a member of the state board of education.".

3. Amend page 1, line 16, after "law.", by inserting "The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.".

VICE PRESIDENT HUTCHINSON: The question is upon concurring, and the Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, I would like to inquire how many amendments the secretary has pending at the desk.

SECRETARY CHASE: Those are the only ones, Mr. President.

MR. BENTEY: These are the only ones? Mr. President, I move that we adjourn.

VICE PRESIDENT HUTCHINSON: Mr. Bentley moves that the convention do now adjourn. The question is not debatable.

MR. DOWNS: Is a preferential motion in order?

VICE PRESIDENT HUTCHINSON: There is no preferential motion.

MR. DOWNS: If I get the floor, there will be.

VICE PRESIDENT HUTCHINSON: There could not be a preferential motion to a motion to adjourn.

MR. DOWNS: There cannot be a preferential motion to a motion to adjourn?

VICE PRESIDENT HUTCHINSON: There cannot be.

MR. DOWNS: Thank you. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon adjournment.

MR. HOXIE: Mr. President, I ask for a division.

VICE PRESIDENT HUTCHINSON: Upon which motion a division has been asked. Is the demand for a division supported? It is supported.

There is no preferential motion, Mr. Kuhn.

MR. KUHN: If you look on page 49 of our rules they have the order of what has preference, and there is one ahead of the motion to adjourn. I don't have this motion, but I just believe there is one, and I would like you to rule on it.

VICE PRESIDENT HUTCHINSON: All right. There is 1 motion that has preference. Do you want to fix the time to which to adjourn?

MR. KUHN: All right. I just wanted Mr. Downs to be aware of it.

VICE PRESIDENT HUTCHINSON: Does Mr. Downs wish to set the time to adjourn?

MR. DOWNS: May I thank Mr. Kuhn and thank the president. I move a preferential motion that we adjourn after we have disposed of these 3 amendments.

VICE PRESIDENT HUTCHINSON: That is not in order.

MR. DOWNS: All right. It must be a time certain? I move we adjourn at 6:00 o'clock, as the time certain.

VICE PRESIDENT HUTCHINSON: That is not in order. The only motion in order would be a motion to fix the time to which to adjourn, not at which to adjourn.

MR. DOWNS: Thank you. I move the time to which we adjourn (laughter) be fixed at 6:00 o'clock.

VICE PRESIDENT HUTCHINSON: Six o'clock when?

MR. DOWNS: Six o'clock tonight.

VICE PRESIDENT HUTCHINSON: Does the gentleman understand that he would then be starting another session day with a new journal?

MR. DOWNS: I'm not concerned. Thank you for the information though. I am sorry, Mr. President. I want to make a parliamentary inquiry. The intent of my motion was we would stay in session for another ½ hour. Am I out of order?

VICE PRESIDENT HUTCHINSON: You are out of order. That can be accomplished by voting down the motion to adjourn. The motion to adjourn is before us. The motion is not debatable.

MR. DOWNS: I have one preferential motion. I move we adjourn until 5:35.

VICE PRESIDENT HUTCHINSON: The motion is not in order.

MR. DOWNS: May I have one more try, Mr. President? (laughter) I move that we, when we adjourn, adjourn until the time certain of 5:35.

VICE PRESIDENT HUTCHINSON: The gentleman is intending thereby to start a new session day with a new journal?

MR. DOWNS: That is correct.

VICE PRESIDENT HUTCHINSON: All right, I will accept that motion.

MR. DOWNS: Thank you.

VICE PRESIDENT HUTCHINSON: All those in favor that when the convention adjourns today, we stand adjourned until today at 5:35 p.m. —

A DELEGATE: Division.

VICE PRESIDENT HUTCHINSON: A division is demanded on this motion. Is the demand supported? The demand is supported. All those in favor of fixing the time to which to adjourn will vote aye, those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion of Mr. Downs to fix the time to which adjourn, the yeas are 36, the nays are 83.

VICE PRESIDENT HUTCHINSON: The motion does not prevail. The question recurs upon the motion of Mr. Bentley that the convention do now adjourn, upon which a division has been demanded. All those in favor of adjourning will vote aye, and those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to adjourn, the yeas are 58; the nays are 60.

VICE PRESIDENT HUTCHINSON: The motion does not prevail. The question is upon concurring in amendments made by the committee of the whole. Mr. Bentley.

MR. BENTLEY: Mr. President, on that I ask for a division and a separate roll call vote, with the yeas and nays on the Boothby amendment.

VICE PRESIDENT HUTCHINSON: Are you asking for a division on all of them?

MR. BENTLEY: I ask that the Boothby amendment be separated from the other amendments to be voted on en bloc, the Boothby amendment to be voted on separately with the yeas and nays demanded.

VICE PRESIDENT HUTCHINSON: All right. The secretary will first read the 2 amendments upon which no demand has been made.

SECRETARY CHASE: The first amendment is:

[Amendments 1 and 3 were again read by the secretary. For text, see above page 1230.]

VICE PRESIDENT HUTCHINSON: Mr. Norris.

MR. NORRIS: Mr. President, I would like to move to separate those 2 questions.

VICE PRESIDENT HUTCHINSON: Very well. Then the convention will proceed to vote upon these amendments separately. The secretary will read the first amendment.

SECRETARY CHASE: Mr. Hubbs' amendment:

[The amendment was again read by the secretary. For text, see above page 1230.]

VICE PRESIDENT HUTCHINSON: All those in favor of the amendment will say aye; opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 3:

[The amendment was again read by the secretary. For text, see above page 1230.]

VICE PRESIDENT HUTCHINSON: As many as are in favor of the amendment will say aye, opposed will say no.

The amendment is adopted.

SECRETARY CHASE: Amendment 2 on which Mr. Bentley has demanded the yeas and nays:

2. Amend page 1, line 16, after "law.", by striking out "The governor shall also be a member of the state board of education.".

VICE PRESIDENT HUTCHINSON: Is the demand for the yeas and nays supported? The demand is supported. The question is upon concurring in the amendment. As many as are in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—69

Austin	Habermehl	McCauley
Baginski	Hanna, W. F.	McGowan, Miss
Balcer	Hart, Miss	Millard
Binkowski	Haskill	Mosier
Bledsoe	Hatcher, Mrs.	Murphy
Boothby	Hodges	Norris
Brake	Hood	Ostrow
Brown, T. S.	Hoxie	Perlich
Buback	Hubbs	Pugsley
Dehnke	Hutchinson	Radka
Dell	Iverson	Sablich
Donnelly, Miss	Kelsey	Shaffer
Doty, Donald	Kirk, S.	Shanahan
Douglas	Kuhn	Sharpe
Downs	Lawrence	Snyder
Elliott, Mrs. Daisy	Leibrand	Stafseth
Erickson	Leppien	Stopczynski
Faxon	Lesinski	Suzore
Finch	Liberato	Walker
Ford	Madar	Wilkowski
Gadola	Mahinske	Wood
Garvin	Marshall	Young
Greene	McAllister	Youngblood

Nays—50

Allen	Figy	Richards, L. W.
Andrus, Miss	Follo	Romney
Anspach	Goebel	Rood
Barthwell	Gust	Seyferth
Batchelor	Hatch	Shackleton
Beaman	Higgs	Sleder

Bentley	Howes	Spitler
Blandford	Judd, Mrs.	Staiger
Brown, G. E.	King	Stamm
Danhof	Koeze, Mrs.	Turner
Davis	Lundgren	Tweedie
DeVries	McLogan	Upton
Doty, Dean	Page	Van Dusen
Durst	Perras	Wanger
Elliott, A. G.	Plank	White
Everett	Prettie	Woolfenden
Farnsworth	Rajkovich	

SECRETARY CHASE: On the adoption of the amendment, the yeas are 69, the nays are 50.

VICE PRESIDENT HUTCHINSON: The amendment is adopted.

Committee Proposal 47, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 47 as amended and referred to the committee on style and drafting:

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

Sec. a. There shall be established a state board of education which shall provide leadership and supervision over public education including adult education and instructional programs in state institutions other than colleges and universities. In addition, it shall serve as the general planning and coordinating body for all public education in the state and shall provide advice to the legislature as to the amount of state support required. The power of the boards of institutions of higher education otherwise provided herein to supervise their respective institutions and control and direct the expenditure of the institution's funds shall not be limited by this section.

The state board of education shall consist of 8 elective members who shall hold office for 8 years. They shall be nominated by party convention and elected at large as prescribed by law. The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.

Sec. b. The state board shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the state board without the right to vote, and shall be responsible for the execution of its policies.

The superintendent of public instruction shall be chief administrative officer of a state office of education which shall be granted sufficient funds and staff to carry on state responsibilities for education as determined by law.

SECRETARY CHASE: We have the following announcement, Mr. President: the committee on judicial branch will meet in room B tomorrow at 9:00 o'clock a.m.

We have 2 requests for leave of absence: Mrs. Butler would like to be excused from the sessions of Thursday and Friday and Mr. Hutchinson requests leave from the session of Thursday to fulfill a speaking engagement.

VICE PRESIDENT HUTCHINSON: Is there objection to the requests? If not, they will be granted and it is so ordered.

What is the pleasure of the convention? The Chair recognizes the lady from Kent, Mrs. Koeze.

MRS. KOEZE: It isn't very often I get a chance at this microphone, so I am going to keep you sitting here for about 20 minutes now. I have been pretty quiet, but let's adjourn.

VICE PRESIDENT HUTCHINSON: Mrs. Koeze moves that the convention do now adjourn. All those in favor will say aye. Those opposed will say no.

The motion prevails and the convention stands adjourned until tomorrow morning at 9:30 a.m.

[Whereupon, at 5:40 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Thursday, February 22, 1962.]

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 47 of that committee, reporting back to the convention **Committee Proposal 89,** A proposal pertaining to county home rule;
with the recommendation that the style and form be approved.
W. B. Cudlip, chairman.

For Committee Proposal 89 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 48 of that committee, reporting back to the covention **Committee Proposal 30,** A proposal pertaining to free public and elementary schools;
with the recommendation that the style and form be approved.
W. B. Cudlip, chairman.

For Committee Proposal 30 as reported by the committee on style and drafting, see under date of April 18.

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 49 of that committee, reporting back to the convention **Committee Proposal 31,** A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries;
with the recommendation that the style and form be approved.
W. B. Cudlip, chairman.

For Committee Proposal 31 as reported by the committee on style and drafting, see under date of April 18.

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 50 of that committee, reporting back to the convention **Committee Proposal 47,** A proposal to replace sections 2 and 6 of article XI;
with the recommendation that the style and form be approved.
W. B. Cudlip, chairman.

For Committee Proposal 47 as reported by the committee on style and drafting, see under date of April 18.

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 51 of that committee, reporting back to the convention **Committee Proopsal 98,** A proposal pertaining to the educational institutions of the state;
with the recommendation that the style and form be approved.
W. B. Cudlip, chairman.

For Committee Proposal 98 as reported by the committee on style and drafting, see under date of April 18.

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

Reports of select committees.

SECRETARY CHASE: No select committee reports.

VICE PRESIDENT HUTCHINSON: Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar for today.

VICE PRESIDENT HUTCHINSON: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT HUTCHINSON: **Motions and resolutions.**

SECRETARY CHASE: Mr. Allen offers **Resolution 85,** A resolution to hasten the word of the convention and to enable the convention to meet the fiscal deadline of May 15.

Following is Resolution 85 as offered:

Whereas, Only 35 session days remain in the constitutional convention before its fiscal deadline of May 15, 1962, and the following items to be completed on general orders (or committee of the whole) with an estimate of session days required therefor are:

Executive branch	3 days
Apportionment	3 days
Legislative powers (24 sections)	4 days
Miscellaneous provisions and schedule (13 sections)	4 days
New section on civil rights — property rights	1 day
Elections	2 days
Amended finance sections	1 day
	18 days (viz: April 17).

Included among the above list are controversial sections which will require extended debate. Such sections are:

Condemnation
Internal improvements
Initiative
Referendum
Fifteen mill limitation
Sales tax earmarking
Civil rights (property rights); and

Whereas, The above estimated schedule permits only 17 session days to complete second reading of approximately 235 sections of the constitution and, in addition, to complete the third reading; and

Whereas, The 17 session days are not sufficient to complete a second and third reading of these sections and this convention therefore must choose between the following alternatives:

1) Working without pay beyond the May 15 deadline; or

2) Voting itself a 50 per cent reduction in salary for one month in order to continue the convention for an additional 30 days; or

3) Making changes in the rules which will accelerate the progress of the convention; and

Whereas, It is believed to be in the best interest of the convention to change its rules in order to hasten the work of the committee of the whole; and

Whereas, Delay in convention deliberations has primarily resulted both from extended debate in the convention of matters previously debated in the committee of the whole and from the number of impromptu amendments (and extended debate thereon) in committee of the whole; now therefore be it

Resolved, That the rules of this convention be forthwith amended so as to incorporate any one or more of the following changes:

1. That when the committee of the whole reports to the convention, the actions of the committee of the whole be accepted. Votes in committee of the whole shall be made record roll call votes; (or, in the alternative)

1a. That when the committee of the whole reports to the convention, no debate shall be permitted on recommendations of the committee of the whole. Amendments offered in committee of the whole and defeated shall not be resubmitted to the convention nor shall any new amendments be offered. In the event a recommendation of the committee of the whole is defeated upon report to the convention, then new amendments may be submitted, but debate thereon shall be limited to 20 minutes which time

MR. A. G. ELLIOTT: Point of information. Did I hear that the recess time is until 2:00 o'clock?

PRESIDENT NISBET: Yes, 2:00 o'clock. That is correct. Those in favor of the motion will say aye. Those opposed, no.

We are recessed until 2:00 o'clock.

[Whereupon, at 12:05 o'clock p.m., the convention recessed; and at 2:00 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: We are on the order of second reading. The secretary will read Committee Proposal 47.

SECRETARY CHASE: Item 5 on the calendar, **Committee Proposal 47,** A proposal to replace sections 2 and 6 of article XI.

Following is Committee Proposal 47 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1232):

Sec. a. [There shall be established a state board of education which shall provide leadership and] GENERAL supervision over ALL public education, including adult education and instructional programs in state institutions, [other than colleges and universities. In addition,] EXCEPT AS TO INSTITUTIONS OF HIGHER EDUCATION, IS VESTED IN A STATE BOARD OF EDUCATION. It shall serve as the general planning and coordinating body for all public education [in the state] and shall [provide advice to] ADVISE the legislature as to the [amount] FINANCIAL REQUIREMENTS IN CONNECTION THEREWITH [of state support required]. [The power of the boards of institutions of higher education otherwise provided herein to supervise their respective institutions and control and direct the expenditure of the institution's funds shall not be limited by this section.]

[The state board of education shall consist of 8 elective members who shall hold office for 8 years. They shall be nominated by party convention and elected at large as prescribed by law. The governor shall fill board vacancies by appointment. Any such appointee shall hold office until a successor has been nominated and elected as prescribed by law.]

[Sec. b.] 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 [state] board without the right to vote, and shall be responsible for the execution of its policies. [The superintendent of public instruction] HE shall be THE chief administrative officer of a state office of education which shall [be granted] HAVE POWERS AND DUTIES PROVIDED BY LAW [sufficient funds and staff to carry on state responsibilities for education as determined by law].

THE STATE BOARD OF EDUCATION SHALL CONSIST OF 8 MEMBERS. 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 CONVENTION AND ELECTED AT LARGE AS PRESCRIBED BY LAW. THE GOVERNOR SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE UNEXPIRED TERM.

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.

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, we come to the final proposal offered by the committee on education. As I said this morning, it would be our hope that we could dispose of the proposal and the pending amendments as expeditiously as possible so that we could resume our work in the committee of the whole.

The committee on style and drafting, Mr. President, made some rather noticeable changes in Committee Proposal 47. Not all of these changes are agreed upon or concurred in by the committee on education. On behalf of the committee on education, I have 3 committee amendments to propose. We hope that they will be acceptable to the majority of the delegates. They were acted on and voted upon by a majority of the committee on education this noon. I understand there is an additional amendment to be offered by a member of the minority of the education committee, which, of course, will be presented in due course. I would hope at this time that the secretary could present the first committee on education amendment, which is on lines 2, 5 and 8 of page 1, and then I would like a chance to explain those.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Mr. Bentley, on behalf of the committee on education, offers the following amendment:

1. Amend page 1, line 2, [paragraph 1] by reinserting "Leadership and"; and in line 5 after "except as to" by inserting "degree granting"; and in line 8, after "education" by inserting a comma and "including higher education,"; so the language will read:

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, 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.

MR. BENTLEY: Mr. President, there are changes in this amendment. The first change is to reinsert the word "Leadership," which was removed by the committee on style and drafting. The committee on education felt very strongly that the function, or one of the primary functions, of the state board of education would be to provide leadership in the field of public education and we would hope that the convention would agree to reinsert this language as the very first word for the new proposal. With respect to the insertion in line 5 of "degree granting" before "institutions of higher education," the reason the committee on education felt this desirable was because there are institutions of higher education that do not grant degrees, and we desired to specify the exemption in this particular case of supervision on the part of the board of education only with respect to the institutions of higher education that do actually grant degrees. Finally, the insertion in line 8, after "education," of the 3 words "including higher education," would indicate higher education in all fields is definitely included in public education, for which the state board of education is designed to serve as the general planning and coordinating body.

We feel that in all 3 cases, Mr. President, the insertion of these words more clearly spells out the intent of the committee on education. This first amendment was approved by the committee on education, as I say, only as recently as this noon, and we urge upon you the adoption of this committee amendment.

PRESIDENT NISBET: The question is on the adoption of the amendment offered by Mr. Bentley on behalf of the committee. Those in favor will say aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Mr. Bentley, on behalf of the committee on education, offers the following amendment:

1. Amend page 2, line 5, [paragraph 2] after "state" by striking out "office" and inserting "department"; and after "education" by striking out "which shall have powers and duties provided by law.", and inserting a period and "The legislature shall appropriate adequate funds to carry on the work of this department."; so the language will there read:

He shall be the chief administrative officer of a state department of education. The legislature shall appropriate adequate funds to carry on the work of this department.

MR. BENTLEY: Mr. President, the point was raised — and I think it was a good point — that it would be more correct to say the "state department of education," rather than the "state office of education," since it is the hope of the education commit-

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

tee that this department would be 1 of the 20 or less departments of the executive branch of state government into which the state government would be reorganized following proposals offered by another committee and adopted.

With respect to the question of adequate funds, we felt — or at least many of us in the committee on education felt — that the action by the committee on style and drafting of deleting part of line 6 and all of line 7 on page 2 bordered very closely on the nature of a substantive change. I can predict the argument, Mr. President, that the convention has no power to direct or mandamus the legislature to do this thing; that the legislature already has the authority to do it; but nevertheless, in view of the fact that in the past the state department of education has not always had the funds that we feel are necessary for it to carry out its important work, and in view of its enlarged responsibilities and its coordination with the state board of education, we believe it best to put back in this requirement that it would receive an appropriation, an adequate appropriation, to be able to carry on its work insofar as the legislature is concerned. This second committee amendment was also considered and voted on favorably by the committee on education only this noon, and we urge the adoption of this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, recognizing that Mr. Bentley is not an attorney I would like to direct a question to Mr. Bonisteel, the question being this: if the language of this amendment is adopted, "The legislature shall appropriate adequate funds to carry on the work of this department," I would like to ask Mr. Bonisteel whether, in his opinion, that would not create a judicial question, possibly as to the adequacy of the funds, and whether, by using this language in the constitution, we are not laying the groundwork for the courts to be brought into the question of adequacy of funds?

PRESIDENT NISBET: Mr. Bonisteel, would you care to answer?

MR. BONISTEEL: My answer to Delegate Hutchinson is that this was intended, so far as I understand it, to be directly to raise adequate funds, the word "adequate" meaning funds sufficient to do that which should be done, and not a limitation. As far as the matter of interpretation is concerned, I would have to agree that the word "adequate" might have to be construed, and, if so, it would have to be construed on the basis of a court decision. I don't know whether that answers what Mr. Hutchinson wants or not, but that is the answer I would give him.

MR. HUTCHINSON: Mr. President, for that reason — that is the reason that I could not support this part of the amendment. I think that it is true — I agree with Mr. Bonisteel — that in the end you have to leave it to somebody to determine adequacy. The legislature makes an appropriation which, in the light of the funds available coming into the treasury, from the viewpoint of the overall budget of the state, from every financial consideration and the ability of the state to pay and so on, the legislature makes an appropriation that, in the opinion of the legislature, is adequate. But perhaps the department of public instruction will claim that it is not adequate, and I submit that when you write these words in here, "shall appropriate adequate funds," you are simply leaving it to the courts then, because the courts only will determine adequacy. Either the courts will determine adequacy or else it is unnecessary to write it in here; because if you are going to leave it to the legislature anyway, that is what you do without this language, and I cannot impress upon you too strongly the situation which you are apparently going to throw this state into if you write into the constitution such phraseology as this, whereby in the end you leave to the courts the determination of appropriations out of the treasury. You are simply again — I am afraid, in the end, you are going to be transferring even the appropriation powers of the legislature and make them judicial questions and leave it to the courts to determine. It is very poor public policy.

PRESIDENT NISBET: The Chair recognizes Mr. Madar.

MR. MADAR: Mr. President and fellow delegates, I don't think that there are very many places around this state that I haven't been. I think I have been in every corner of this state, and I doubt very much if I have ever heard discussions on anything as much as I have on this particular subject about what is adequate for the board of education or the educational system.

If we adopt this particular amendment, who would decide what is adequate? Frankly, I think there is only one group who could decide it, and that is the people who are the men and women who are going to be responsible to the taxpayers for the moneys that are spent, and this is the legislature. The legislature is the one that catches Mary hallelujah about the moneys that have to be appropriated. Beyond that, too, it goes to the governor.

Now, we have the same situation right in the city of Detroit. We have a tremendous educational bill, and I don't begrudge them that money. I think they need money. However, I believe that the people ought to know who is responsible for the expenditure of moneys. If the legislature is going to be responsible or the council is going to be responsible as we have it in Detroit, then they should decide what is adequate, not the board of education who might say: well, we need $150 million. The legislature may decide differently, and I believe that they are the ones who know what is adequate.

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

MR. BENTLEY: Mr. President, since this amendment was actually the combination of 2 amendments, I ask that it be divided and that we first vote on the insertion of the word "department," in place of "office," and then on the question of adequate funds.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: The first part of the amendment,

1. Amend page 2, line 5, [paragraph 2] after "state" by striking out "office" and inserting "department"; so the language will there read, "He shall be the chief administrative officer of a state department of education. . . ."

PRESIDENT NISBET: Mr. Wanger, do you care to speak on that amendment?

MR. WANGER: I am not quite sure, Mr. President, because perhaps it is my eyesight, or perhaps it is the power of that lens in the machine, but I can't quite read the parts up there which are being —

PRESIDENT NISBET: Mr. Chase will read it again.

SECRETARY CHASE: The amendment reads:

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

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, it seems to me that "have powers and duties provided by law" refers back to "department," and if you are dividing it, I assume that Mr. Bentley means to divide this into 2 parts. Through the Chair, Mr. Bentley, is that correct?

MR. BENTLEY: That is correct.

MR. FAXON: Well, wouldn't "have powers and duties provided by law" belong to the first part?

MR. BENTLEY: No, Mr. Faxon, because we are suggesting in the second portion of this amendment to strike that phrase and make a separate sentence.

MR. FAXON: Oh, I see. Well, I just want to ask one more question. The idea will be that the department over which the superintendent will be the executive officer will also be headed by the state board of education? Is that correct, Mr. President and Mr. Bentley?

MR. BENTLEY: Mr. President, we have not entered into this discussion at this time. We are merely saying that we believe the word "office" should be substituted for the word "department," since "department" better specifies what it means than "office."

MR. FAXON: Well, the only thing, Mr. President, that I just want to make sure is that the responsibility for the administration of that department, the ultimate responsibility will rest with the state board of education. If that is the intention with the substitution of the word "department," then I just want to be sure that I understand it, and I'll go along with this.

MR. BENTLEY: Mr. President, we are making no change anywhere, except to make it a department instead of an office.

PRESIDENT NISBET: The question is on the amendment, the first part of the amendment. Mr. Chase will read it again.

SECRETARY CHASE: The following is the amendment:

[The amendment was again read by the secretary. For text, see above, page 2574.]

PRESIDENT NISBET: Those in favor of the amendment will say aye. Opposed, no.

The amendment is adopted. The second part will be read, Mr. Chase.

SECRETARY CHASE: The second part of the amendment:

1. Amend page 2, line 5, [paragraph 2] after "education" by striking out "which shall have powers and duties provided by law.", and inserting a period and "The legislature shall appropriate adequate funds to carry on the work of this department.".

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, I desire to direct a question to the chairman of the committee.

PRESIDENT NISBET: Mr. Bentley.

MR. WANGER: I note line 7 of the proposal which was originally adopted by the committee when it was first considered said that the state responsibilities for education would be determined by law, and that was stricken by style and drafting and in place they put in "have powers and duties provided by law." This amendment, Mr. President and Delegate Bentley, would strike out the phrase "have powers and duties provided by law." I have looked elsewhere in this proposal to see where it provided that the legislature would have any responsibility other than the appropriating power in connection with education, and I find none. I, therefore, wondered if this deletion might not have the effect of removing any legislative control over state responsibilities for education or the powers and duties of the department and the general framework of the department in connection therewith.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I think I can say to Mr. Wanger that in the final analysis the legislative power of appropriation is the ultimate power that the legislature has over all branches of executive government, and I am sure that if the legislature retains this appropriating power — which, of course, we are specifically suggesting they do retain — that at the same time they would be able to lay down whatever programs or policies they wanted in the statutes and through the use of the appropriating power or club, call it what you will, require the state department of education to follow their guidelines to a very considerable extent, indeed.

MR. WANGER: But, again, Mr. President, Mr. Bentley, should not the legislature at least have some power here to set up the general framework of the powers and duties not be forced to use the appropriation power as a club? That certainly is an undesirable way to use the appropriation power and, in any event, should be used only in the rare extremities. Should not the legislature, Mr. Bentley, have this power?

MR. BENTLEY: Well, Mr. Wanger, if you want to suggest that there be some clause added to the suggestion of the committee on education with respect to giving the legislature some legal framework to lay down guidelines for the state department of education, I doubt that the committee on education would have a serious objection.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, it would seem to me that the phrase "have powers and duties provided by law" is really about the same as the "state responsibilities for education as determined by law," and therefore we can solve the problem merely by not striking the phrase "have powers and duties as provided by law."

PRESIDENT NISBET: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President and members of the convention, I would like to offer an amendment from the floor, for 2 reasons: in the interest of clarity, and to provide a psychological aspect to this question. I would like to substitute — in the next to the last line, strike out the 3 words "appropriate adequate funds" and substitute "levy sufficient taxes to carry on the work of this department."

SECRETARY CHASE: Mr. Hubbs offers the following amendment to the committee amendment:

1. Amend the amendment, after "legislature shall" by striking out "appropriate adequate funds" and inserting "levy sufficient taxes".

PRESIDENT NISBET: The question is on the amendment offered by Mr. Hubbs to the committee amendment. Those in favor will say aye. Opposed, no.

The amendment to the amendment is not adopted. We are on the second part of this amendment.

SECRETARY CHASE: Mr. Binkowski offers — it is not an amendment to the pending amendment.

PRESIDENT NISBET: The question then is on the second part of the amendment offered by Mr. Bentley.

MR. BENTLEY: Mr. President, I have a copy here of an amendment offered by Mr. Upton to the amendment. Does he desire to offer it?

PRESIDENT NISBET: Mr. Chase, do you have that amendment?

MR. UPTON: I was going to offer this amendment if the amendment — your amendment — passed, Mr. Bentley.

PRESIDENT NISBET: The question is on the second part of the Bentley amendment. Those in favor will say aye. Those opposed, no.

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

SECRETARY CHASE: Mr. Bentley, on behalf of the committee on education, offers the following amendment:

1. Amend page 2, line 14, [paragraph 3] after "term.", by inserting "The governor shall also be ex officio a member of the state board of education without the right to vote.".

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, following the initial action of the committee of the whole in deleting the governor's membership on the state board of education, there were many of us that still felt that there should be some direct line of responsibility on the part of the executive branch in this all important field. Therefore, we have suggested — to try to eliminate the fears of those persons who might feel that the governor's presence would tend to overawe other members of the board and that he would, in effect, be dictating educational policies — we have suggested that he be a member of the state board through virtue of his office, that is, ex officio, but not have the right to vote; and we have also deleted any suggestion that he might delegate his ability to attend these meetings. In other words, he and he alone would be able to attend meetings in his ex officio capacity.

This amendment, Mr. President, was discussed and voted on by the committee on education this noon. There was a divided vote within the committee, but there were 13 affirmative votes in favor of it and we, therefore, ask your support of the amendment.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Bentley.

SECRETARY CHASE: Mr. Binkowski offers the following amendment to the amendment:

1. Amend the amendment, after "education" by inserting "and also the University of Michigan, Michigan State University, Wayne University, Michigan College of Science and Technology, Central Michigan University, Northern University, Western Michigan University, Ferris Institute, Grand Valley State College, and all agencies and commissions of the state that spend $1 million a year."; (laughter) so that the language would read, "The governor shall also be ex officio a member of the state board of education and also the University of Michigan, Michigan State University," and so forth.

PRESIDENT NISBET: Mr. Binkowski.

MR. BINKOWSKI: Mr. President, ladies and gentlemen of the convention, in committee of the whole we spent a great deal of time debating this particular subject, and, of course, that

particular amendment was defeated at that time. I offer this amendment to illustrate a point — obviously education is very important and obviously the governor is interested in education, as we all are. However, I would like to point out to the convention that in last year's budget, the University of Michigan spent $37.4 million; Michigan State University spent $30.6 million; Wayne State University spent $16.3 million; so I think that all of these institutions certainly are important and if we feel that the governor has the time or, better yet, that the governor must participate in the decision making process, or he must be there to expound his particular philosophy of government, or his particular political philosophy, then I say in just a normal extension he should spend some time with these other large institutions. Of course, many of you laughed when this amendment was offered, and I think it does make a point. This is the reductio ad absurdum of the Bentley amendment in my opinion.

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

The amendment to the amendment is not adopted.

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is that demand supported? Those in favor of the Binkowski amendment will vote aye; those opposed will vote nay.

MR. DOWNS: I would like to announce my abstaining from the vote.

PRESIDENT NISBET: Miss Hart abstains, Mr. Buback abstains, Mrs. Elliott abstains from voting.

MR. FAXON: This is a division. You don't have to abstain. You just don't vote.

PRESIDENT NISBET: Have you all voted? If so, the secretary will lock the machine and tally the vote.

MR. PERRAS: Mr. President, I request the reason for these certain people not voting on this certain amendment.

PRESIDENT NISBET: They can put them in the journal.

SECRETARY CHASE: On the adoption of the Binkowski amendment, the yeas are 16; the nays are 80.

PRESIDENT NISBET: The amendment to the amendment is not adopted. The question now is on the amendment offered by Mr. Bentley. Those in favor will say aye. Those opposed, no. The amendment is not adopted.

DELEGATES: Division.

PRESIDENT NISBET: Is the demand for division supported? It is supported. Mr. Chase will read the amendment.

SECRETARY CHASE: Mr. Bentley's amendment is as follows —

MR. VAN DUSEN: Mr. President, I ask for the yeas and nays on this amendment.

PRESIDENT NISBET: The yeas and nays have been demanded. Is there sufficient number up? The demand is supported. The amendment will be read.

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

1. Amend page 2, line 14, [paragraph 3] after "term.", by inserting "The governor shall also be ex officio a member of the state board of education without the right to vote.".

PRESIDENT NISBET: Mr. Young.

MR. YOUNG: I have an amendment on the desk.

SECRETARY CHASE: Mr. Young offers the following amendment:

1. Amend the amendment, after "governor" by inserting a comma and "lieutenant governor, speaker of the house, and chief justice of the supreme court"; so the language will then read:

The governor, lieutenant governor, speaker of the house, and chief justice of the supreme court shall also be ex officio a member of the state board of education without the right to vote.

PRESIDENT NISBET: Mr. Young.

MR. YOUNG: Mr. President, I have engaged in considerable soul searching since the discussion first came up in committee of the whole, and in an effort to embrace the thinking that the governor shall be a member, ex officio or otherwise, of the state board of education, I have now arrived at what I believe is a happy solution to the problem. I think that there might be certain advantages for the governor, as head of the executive branch, with heavy responsibility in the area of education, to be a member of this all important department, but it is also perfectly obvious to me that the legislature has a vital role and stake in education. In fact, it is they who appropriate the money. What could be fairer and more balanced than, in addition to the governor, to add the lieutenant governor and speaker of the house? Then, in the interest of more efficiency and a maximum efficiency in government, let us then add the chief justice of the supreme court, for then we would eliminate and forestall any holdups that might be occasioned by a court challenge. I must confess that there is one point in this amendment that gives me pause, one possible weakness; where I have lieutenant governor, I would be open to an amendment or substitution and place the second ranking officer in the senate, perhaps even the majority leader, inasmuch as the lieutenant governor is a powerful executive. On the other hand, the lieutenant governor would give the governor an extra vote, so there is much to be said for that. So I am torn, now, between my amendment as it stands and the substitution of the majority leader of the senate for the lieutenant governor.

PRESIDENT NISBET: The Chair recognizes Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I would like at this time to suggest a recess in order that the children might go out and play. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I was not sure just which side of the bar of the convention my good friend Delegate Farnsworth was referring to, however, I do think that the point made by both Delegate Binkowski and Delegate Young really is: how silly can we get? We have had a good education system in Michigan. We have had a system of integrity. We have kept it separate from the operations of the rest of our government. To put the governor on the board is no more ridiculous than to put the lieutenant governor and the chief justice of the supreme court and then put them all ex officio on everything else and get one big scrambled egg. What we need is academic freedom, integrity of education, and I think that if we oppose these amendments and oppose the Bentley amendment, and have the board of education separate, we will then have that proper separation. I think it is just silly to expect a governor to be ex officio a member of these other bodies. If, for any reason, he wants to meet with the bodies, he certainly has that right and obligation to, but he should not, as we said in committee of the whole, and I think Delegate Brake pointed it out, try to overwhelm a board by his mere presence.

I, therefore, urge that we vote against not only these amendments but the Bentley amendment, and I hope these 2 amendments serve an educational purpose in our section dealing with education.

PRESIDENT NISBET: The Chair recognizes Mr. Stevens.

MR. STEVENS: Mr. President, we have had our fun; time marches on. I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is the demand seconded? Sufficient number up. The question now is: shall the previous question be ordered? Those in favor say aye. Those opposed, no.

The previous question is ordered. The question now is —

MR. YOUNG: Mr. President, I would like to withdraw the amendment.

PRESIDENT NISBET: The amendment to the amendment is withdrawn.

MR. BENTLEY: Mr. President.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: The previous question only applied to the Young amendment, did it not?

PRESIDENT NISBET: That is right.

MR. BENTLEY: Mr. President, I just want to make a brief statement before we vote on the pending amendment. The convention will recall that we have had quite a bit of discussion and controversy on this. With respect to the remarks of my good friend from Detroit, Mr. Downs, he and I have a little date a week from tomorrow night in Detroit before the members of the Wayne county boards of education and I'm sure that he and I can pursue this matter further at this time if we desire; but I

would like to say that the suggestion was made and turned down, I think properly, by the committee on education, that the governor should have a veto power over the choice of the state superintendent of public instruction by the board of education. Many other suggestions were made. I repeat: in all sincerity, we felt — because of the importance of education, because of the tremendous role that it plays in our state, because of the large amount of the state budget that education consumes — that there should be a direct line of responsibility with the executive branch of government. That is why we wish to insert this provision and, in spite of my good friend, Mr. Binkowski, and my good friend, Mr. Young, we are not trying to be silly. We mean this seriously. We do think — we are convinced — that this is a fair and legitimate provision, and we do believe that there should be a direct link in our constitution between the state board and the governor; on the other hand, by making him ex officio by giving him no vote, we think we have removed any possibility of his influencing, overawing the board. We do ask for your support on this which we have offered in all sincerity.

PRESIDENT NISBET: The Chair recognizes Mr. Sterrett. Pardon me, there is another amendment.

SECRETARY CHASE: Mr. Faxon offers the following amendment to the committee amendment:

1. Amend the amendment, after "governor" by inserting a comma and "secretary of state and attorney general".

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, this isn't anything made up, where the governor is an ex officio member of the state board of education, and I have the states here listed with the members thereof; they also include at least one or two other of the state officials. It is in the state of Florida where the secretary of state and attorney general are also ex officio members. It is in the state of Mississippi with the attorney general and secretary of state. It is in the state of Montana, North Carolina and North Dakota. These are states in which the governor serves as an ex officio member. This is where they have tied in the executive with the state board.

If you are going to add ex officio members, I think it is only fair that you be aware of the fact that where this has been done, it has included other elected members of the state board and that this has been the procedure followed in these other states. This is not anything that they have done in jest, and I trust that you will consider it in the same light.

PRESIDENT NISBET: I appreciate it is not the province of the Chair to make a comment, but I hope that you all are prepared for late meetings tonight and tomorrow night if we keep on at this rate. Mr. Sterrett.

MR. STERRETT: Mr. President, are there any further amendments to the Bentley amendment?

PRESIDENT NISBET: No, just this amendment.

MR. STERRETT: Mr. President, I would like to move the previous question and then request to be recognized, as soon as the vote is taken, in order to move the previous question on the Bentley amendment.

PRESIDENT NISBET: The previous question has been demanded on the Faxon amendment. Is that demand supported? It is supported. The question now is: shall the previous question be put? Those in favor will say aye. Those opposed, no.

The previous question is ordered. The question now is on the Faxon amendment. The secretary will read it.

SECRETARY CHASE: Mr. Faxon's amendment:

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

PRESIDENT NISBET: Those in favor will say aye. Opposed, no.

The amendment to the amendment is not adopted. The question now is on the amendment offered by Mr. Bentley. Mr. Sterrett.

MR. STERRETT: Mr. President, I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is that demand seconded? Sufficient number up. The question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The previous question is ordered. Mr. Downs.

MR. DOWNS: Point of information. I believe Delegate Van Dusen called for the yeas and nays, is that right?

PRESIDENT NISBET: That is right. The secretary will read the amendment.

SECRETARY CHASE: Mr. Bentley, on behalf of the committee on education, has offered the following amendment:

[The amendment was again read by the secretary. For text, see above, page 2576.]

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

The roll was called and the delegates voted as follows:

Yeas—68

Allen	Higgs	Richards, L. W.
Andrus, Miss	Howes	Romney
Anspach	Hubbs	Rood
Batchelor	Iverson	Rush
Beaman	Judd, Mrs.	Seyferth
Bentley	Karn	Shanahan
Blandford	King	Sharpe
Bonisteel	Kirk, S.	Sleder
Boothby	Knirk, B.	Spitler
Brake	Koeze, Mrs.	Stafseth
Brown, G. E.	Kuhn	Staiger
Dehnke	Leppien	Sterrett
DeVries	McLogan	Stevens
Doty, Dean	Millard	Thomson
Farnsworth	Mosier	Turner
Figy	Nisbet	Tweedie
Gadola	Page	Upton
Goebel	Plank	Van Dusen
Gover	Pollock	Wanger
Hanna, W. F.	Pugsley	White
Hannah, J. A.	Radka	Woolfenden
Haskill	Rajkovich	Yeager
Hatch	Richards, J. B.	

Nays—50

Austin	Garvin	Norris
Balcer	Hart, Miss	Perlich
Binkowski	Hodges	Perras
Bledsoe	Hood	Powell
Bradley	Hutchinson	Prettie
Buback	Jones	Sablich
Butler, Mrs.	Kelsey	Shackleton
Cushman, Mrs.	Krolikowski	Shaffer
Dade	Lawrence	Snyder
Doty, Donald	Leibrand	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Erickson	Mahinske	Wood
Faxon	McAllister	Young
Finch	McCauley	Youngblood
Follo	Murphy	

SECRETARY CHASE: On the committee amendment offered by Mr. Bentley, the yeas are 68; the nays are 50.

PRESIDENT NISBET: The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Miss Hart offers the following amendment:

1. Amend page 1, line 21, [paragraph 2] by striking out "The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He" and inserting "The superintendent of public instruction"; so the language will read, "The superintendent of public instruction shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies."

PRESIDENT NISBET: The Chair recognizes Miss Hart.

MISS HART: Thank you, Mr. President. I should hope that we could strike these particular lines from our provision, which is generally an excellent one. Let me remind the delegates

that in Michigan we have 2,144 autonomous school districts. They range from the advocates of the little red schoolhouse to the great school system of the city of Detroit. Each system has its own locally controlled policy, each system is jealous of its prerogatives.

I have heard, repeatedly, in this convention the assertion that because local school districts through their local boards appoint their superintendents of schools, the state board of education should appoint the superintendent of public instruction. This comparison does not make sense to me. A superintendent in local areas is readily accessible. So are members of the board of education. All are available to the public. A local telephone call or even a personal call is not only possible but quite probable. In local areas there is local autonomy and a local policy, a policy that is explainable directly to the individual involved. If there is objection to the policy, all of the makers are at hand. It may be enforced or it may be changed.

Pity the poor school district or the individual citizen who has a problem to solve with an appointed superintendent who must be responsible to 2,144 school districts, with their 2,144 school policies and problems. The superintendent — who will under this provision be demoted to the position of an underling, an executive secretary — this poor soul, this poor superintendent is going to have to check with 8 widely separated board members before he can answer a question on which policy has not been directly made, definitely made. The public will be forced to wait.

I worked in the office of a superintendent of schools not far from here. It was a small school district and I well remember the constant checking that had to be made for him with his local board members. He was extremely cautious, and with good reason, about expressing an independent point of view.

One more point: with this provision, the superintendent of public instruction is demoted. It is not enough to say that he shall be the chief administrative officer, with the idea that he shall work in the governor's cabinet. This superintendent will have no power of his own right. He will be ineffectual on that board in that he can never speak for himself but only for his board: and if a new question arises, he must check with his board before he can give a definite answer. He will be in competition with those who are appointed directly by the governor and responsible, or elected, and responsible to him alone, and with men elected, education will suffer.

The committee proposal purportedly takes education out of politics. Nothing could be farther from the truth. Under this provision, education may or may not be taken out of partisan politics. I think it will not. Much more seriously, however, education will be thrown, headlong, into the deep labyrinths of school politics from which the public can find no escape. I oppose the committee report.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, the adoption of Miss Hart's amendment would, of course, directly reverse the action taken by the committee of the whole some 2 months ago in determining that the superintendent of public instruction should be appointed by an elected state board of education. The adoption of the pending amendment would leave the entire proposal silent on the method by which the superintendent is to be chosen and, presumably, we would then see, at a later date, an attempt made by certain individuals to reinsert in the executive branch article a provision that the superintendent should be an elected official.

The majority of the committee on education is opposed to any change in this respect. The committee of the whole and the convention have previously decided that the state board of education should choose the superintendent. I ask for the defeat of the pending amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, it is amusing, talking to different educators, how they conflict in their ideas over something such as this amendment and the committee proposal. I have heard both sides of this. After analyzing it in my own mind, I feel that I will have to vote as I see fit, and vote in order to make education more progressive and more efficient. Therefore, I would oppose the amendment before us now and support the committee proposal, and I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is that demand seconded?

MR. DOWNS: Mr. President, I have a preferential motion.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I move that debate be limited to 10 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Downs that debate be limited to 10 minutes. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Downs, you have the floor and debate will be limited to 10 minutes.

MR. DOWNS: Mr. President, I shall not debate 10 minutes and shall speak very briefly. First, I would like to demand the yeas and nays on this question.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. Mr. Downs.

MR. DOWNS: I believe, again, that the educational system that we have has shown itself to be an independent system, a system dedicated to the need of the people, and particularly the children. I think this is one field, in particular, where those who advocate change have a very serious burden of showing the necessity for that change.

I agree with Delegate Sterrett's statement that professional educators have varied in their opinions on this, but what I am more concerned with is the effect upon the people who use our public educational facilities. I feel that our elected system has made a responsible system. It has resulted in superintendents of both political parties that have, by necessity, to go to the people, be more responsive to the needs of the people. I, therefore, urge the support of the amendment.

PRESIDENT NISBET: The question is on the amendment offered by Miss Hart. Mr. Douglas.

MR. DOUGLAS: Mr. President and fellow delegates, I raised this question once before when we were talking about appointive ad board members, and I should like to ask Chairman Bentley a question.

PRESIDENT NISBET: If Mr. Bentley cares to answer.

MR. DOUGLAS: Mr. Bentley, if this amendment here is defeated and we go on record as appointing the superintendent of public instruction by the board, can not that appointment be an outstate person?

MR. BENTLEY: Mr. President, I will say to my good friend and valuable committee member — and I mean that very sincerely, Mr. Douglas — that I said when this was being discussed in committee of the whole that the state board of education would have the right to choose the highest qualified man to fill the important office of superintendent, whether he were a resident of the state or not.

MR. DOUGLAS: Mr. President and fellow delegates, this is one aspect, I think, that has not been given very serious consideration. The office, the high office, in fact the highest office in the state on education should be filled, I feel, by a resident of Michigan. We have over 70,000 teachers and minor administrators in this state. We are constantly trying to promote programs whereby these people will stay in the field of education and we from metropolitan Detroit have seen how an outsider coming into the state — this tendency has a detrimental effect upon the incentive of teachers and minor administrators to promote themselves to the higher offices. I think that we are doing a great disservice here and if we do pass this proposal, when we get to the executive branch I certainly hope that you shall not leave the door open for outsiders to come in and become members of our state ad board. I oppose the committee proposal.

PRESIDENT NISBET: Mr. Sterrett.

MR. STERRETT: Mr. President, I would like to debate Mr. Douglas' point. I feel that the superintendent of public instruction in the state of Michigan is one of the most important individuals that can hold an office in our state, and I know that in business and industry, if somebody is recognized that can do an efficient job, then they are hired in that business. I have children in school, myself, and I want the best for them.

PRESIDENT NISBET: Mr. Hatch.

MR. HATCH: Mr. President and ladies and gentlemen of

the convention, I certainly cannot understand the minority party's position with respect to the superintendent of public instruction. I think, in this respect, the committee on education — with all due respect to that committee — made a grave error in calling this office the superintendent of public instruction. Actually, the office we are talking about is like the personnel director of the civil service commission, or the executive director under any commission. In other words, if they called him the director of public instruction, or some other name, I don't think there would be this emotional attachment to that given office.

What the committee has done is, instead of 1 superintendent of public instruction, they have 8. They have elevated the board of education to 8 elected officials, elected on a statewide basis. Therefore, I can see no reason why the superintendent should be elected and, like the old gray mare, the superintendent of public instruction "ain't what he used to be."

PRESIDENT NISBET: The question is on the amendment offered by Miss Hart. The yeas and nays have been ordered. Those in favor of the amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—29

Austin	Hart, Miss	Perlich
Balcer	Hood	Sablich
Binkowski	Jones	Snyder
Bledsoe	Kelsey	Suzore
Bradley	Krolikowski	Walker
Buback	Liberato	Wilkowski
Douglas	Madar	
Downs	Mahinske	Wood
Elliott, Mrs. Daisy	Murphy	Young
Garvin	Norris	Youngblood

Nays—85

Allen	Haskill	Pugsley
Andrus, Miss	Hatch	Radka
Anspach	Heideman	Rajkovich
Batchelor	Higgs	Richards, L. W.
Beaman	Howes	Romney
Bentley	Hubbs	Rood
Blandford	Hutchinson	Rush
Bonisteel	Iverson	Seyferth
Boothby	Judd, Mrs.	Shackleton
Brake	Karn	Shaffer
Brown, G. E.	King	Shanahan
Butler, Mrs.	Kirk, S.	Sharpe
Cushman, Mrs.	Koeze, Mrs.	Sleder
Dade	Kuhn	Spitler
Dehnke	Leibrand	Stafseth
Donnelly, Miss	Leppien	Staiger
Doty, Dean	McAllister	Stamm
Doty, Donald	McCauley	Sterrett
Durst	McLogan	Stevens
Erickson	Millard	Stopczynski
Farnsworth	Mosier	Thomson
Figy	Nisbet	Turner
Finch	Page	Tweedie
Follo	Perras	Van Dusen
Gadola	Plank	Wanger
Goebel	Pollock	White
Gover	Powell	Woolfenden
Hanna, W. F.	Prettie	Yeager
Hannah, J. A.		

SECRETARY CHASE: On the amendment offered by Miss Hart, the yeas are 29; the nays are 85.

PRESIDENT NISBET: The amendment is not adopted. The question is now on Committee Proposal 47, as amended. Those in favor will vote aye. Those opposed will vote nay. Miss Hart.

MISS HART: Mr. President, it is with great regret that I shall have to vote no for the entire proposal. This is a matter of some emotion with me because I worked hard on this committee. I felt strongly about it. I think at this stage of the game, though, the liabilities outweigh the good.

PRESIDENT NISBET: 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—89

Allen	Heideman	Rajkovich
Andrus, Miss	Higgs	Richards, J. B.
Anspach	Howes	Richards, L. W.
Batchelor	Hubbs	Romney
Beaman	Hutchinson	Rood
Bentley	Iverson	Rush
Blandford	Judd, Mrs.	Seyferth
Bonisteel	Karn	Shackleton
Boothby	King	Shaffer
Brake	Kirk, S.	Shanahan
Brown, G. E.	Koeze, Mrs.	Sharpe
Butler, Mrs.	Krolikowski	Sleder
Cushman, Mrs.	Kuhn	Spitler
Dade	Lawrence	Stafseth
Dehnke	Leibrand	Staiger
DeVries	Leppien	Stamm
Donnelly, Miss	McCauley	Sterrett
Doty, Dean	McGowan, Miss	Stevens
Durst	McLogan	Thomson
Erickson	Millard	Turner
Farnsworth	Mosier	Tweedie
Figy	Nisbet	Upton
Follo	Page	Van Dusen
Gadola	Perras	Wanger
Goebel	Plank	White
Gover	Pollock	Wilkowski
Hanna, W. F.	Powell	Wood
Hannah, J. A.	Prettie	Woolfenden
Haskill	Pugsley	Yeager
Hatch	Radka	

Nays—31

Austin	Finch	Mahinske
Balcer	Garvin	Murphy
Binkowski	Hart, Miss	Perlich
Bledsoe	Hodges	Sablich
Bradley	Hood	Snyder
Buback	Jones	Stopczynski
Doty, Donald	Kelsey	Suzore
Douglas	Lesinski	Walker
Downs	Liberato	Young
Elliott, Mrs. Daisy	Madar	Youngblood
Faxon		

SECRETARY CHASE: On the passage of Committee Proposal 47, the yeas are 89; the nays are 31.

PRESIDENT NISBET: **Committee Proposal 47,** as amended, is adopted.

Following is explanation of vote submitted by Messrs. Faxon and Hood:

In our opinion many of the changes made in this proposal were very good, but the use of the governor as an ex officio member of the state board of education is a dangerous and radical departure from the Michigan experience. Where ex officio members have been used they have served along with the other state officers. States such as Florida, Mississippi, Montana, North Carolina and North Dakota provide for such ex officio membership on the state board of education including the secretary of state, attorney general and others. There were no adequate reasons presented to indicate the need for the departure from precedence in our state. We fear the misuse of power that would be exercised by a governor in his efforts to influence the deliberations and decisions of the state board of education. For a board with the power and scope envisioned in this board to come under the influence of a governor might subject our educational system to a degree of control that would not be conducive to the continued growth of our public educational school system.

Following is explanation of vote submitted by Messrs. Young, Binkowski, Jones, Douglas, Snyder and Miss Hart:

We wish to state the reasons for voting against Committee Proposal 47.

This proposal would, as adopted, substitute the voice of the people in electing a state superintendent of public instruction with the selection of that office by a new state

board of education with no specific limitation on the term of office.

We feel that those who desire a change have not borne the burden of proof of showing why a change is necessary.

We also strongly object to this proposal because the governor has been added as an ex officio member of the state board of education. This will neither enhance the governor nor the board. An over zealous governor would have too much influence on the state board of education, and an under zealous governor might not attend the meetings of the board. Any governor can, under the present constitution, confer and meet with educational officials at any time.

We feel that the constitutional placing of the governor on the state board of education is poor governmental structure and, therefore, vigorously oppose that provision of Committee Proposal 47.

PRESIDENT NISBET (continuing): It is referred to the committee on style and drafting.

Following is Committee Proposal 47 as amended and rereferred to the committee on style and drafting:

Sec. a. 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, 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 officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of 8 members. 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 convention and elected at large 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.

PRESIDENT NISBET (continuing): Without objection, we will return to the order of business of **reports of standing committees.**

SECRETARY CHASE: The committee on finance and taxation, by Mr. Brake, chairman, reports back to the convention **Exclusion Report 2005,** A report recommending the exclusion of section 11 and section 12 of article XI; without amendment. The committee on finance and taxation concurs with the committee on education recommending the exclusion of section 11 and section 12 of article XI from the new constitution.

D. Hale Brake, chairman.

For Exclusion Report 2005, as introduced by the committee on education, and the reasons submitted in support thereof, see below, page 2829.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

Motions and resolutions?

SECRETARY CHASE: None.

PRESIDENT NISBET: Unfinished business?

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders. The Chair recognizes Mr. Yeager.**

MR. YEAGER: Mr. President, I move that the convention resolve itself into a committee of the whole for the purpose of considering items on the order of general orders.

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

The motion prevails. Mr. Yeager.

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

CHAIRMAN YEAGER: The committee will be in order. The committee is considering eminent domain. The secretary will read.

SECRETARY CHASE: Item 15 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Committee Proposal 67,** A proposal to amend article XIII, sections 1, 2, 3, 4 and 5 pertaining to eminent domain of the present constitution.

Following is Committee Proposal 67 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. IN THE EXERCISE OF THE POWER OF EMINENT DOMAIN, private property shall not be taken OR DAMAGED by the public nor by any corporation for public use OR PURPOSE, without the necessity [therefor] being first determined and just AND EQUITABLE compensation [therefor being first made or secured in such manner as shall be prescribed by law] FOR THE LOSSES AND DAMAGES SUFFERED THEREBY BEING FIRST PAID.

Sec. b. SUCH DETERMINATION AND COMPENSATION SHALL BE CONDUCTED AS A CIVIL MATTER IN A COURT OF RECORD. THE JUDGE SHALL RULE ON THE ADMISSIBILITY OF EVIDENCE AND INSTRUCT ON QUESTIONS OF LAW. QUESTIONS OF FACT SHALL BE DETERMINED BY A JURY OF 12 FREEHOLDERS RESIDING IN THE VICINITY OF SUCH PROPERTY WHO SHALL BE BOUND BY THE COURTS INSTRUCTIONS. ALL PARTIES SHALL HAVE THE RIGHT OF APPEAL. THE JURY MAY BE WAIVED ON STIPULATION OF ALL PARTIES.

Sec. c. Private roads may be opened in the manner prescribed by law; but in every case the necessity for the road and the amount of all damages to be sustained [by the opening thereof shall be first determined by a jury of 6 freeholders or by not less than 3 commissioners, and such amount, together with the expense of proceedings, shall be paid by the person or persons to be benefited] SHALL BE DETERMINED IN THE MANNER SET FORTH ABOVE.

Sec. d. THE ABOVE PROVISIONS AND POWERS SHALL APPLY TO ALL CONDEMNATIONS BY THE STATE, AND CIVIL SUBDIVISIONS THEREOF, INCLUDING COUNTIES, TOWNSHIPS, MUNICIPALITIES, STATE SUPPORTED INSTITUTIONS OF HIGHER LEARNING, SCHOOL DISTRICTS, OR ANY OTHER CORPORATION AUTHORIZED BY LAW TO EXERCISE THE POWER OF EMINENT DOMAIN.

Sec. e. BONDS MAY BE ISSUED TO SUPPLY FUNDS TO PAY IN WHOLE OR IN PART FOR THE PROPERTY TAKEN BY THE CONDEMNING AUTHORITY, BUT SUCH BONDS SHALL BE A LIEN ONLY ON THE PROPERTY SO ACQUIRED AND THEY SHALL NOT BE INCLUDED IN ANY LIMITATION OF THE BONDED INDEBTEDNESS OF SUCH CONDEMNING AUTHORITY EXCEPT AS OTHERWISE AUTHORIZED BY LAW OR RESTRICTED BY THIS CONSTITUTION.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 67:

Section a. The committee has inserted the new wording

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

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

PREAMBLE

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

ARTICLE I
DECLARATION OF RIGHTS

Sec.		Com. Proposal
1.	Political Power	15– 1
2.	Equal Protection under the Law	26a
3.	Right of Assembly and Petition	15– 2
4.	Freedom of Worship	15– 3
5.	Liberty of Speech and Press	15– 4
6.	Right to bear arms	15– 5
7.	Civil Power Supreme	15– 6
8.	Quartering of Soldiers	15– 7
9.	Slavery Prohibited	15– 8
10.	Attainder; ex post facto laws; impairment of contracts	15– 9
11.	Searches and Seizures	15–10
12.	Habeas Corpus	15–11
13.	Appearance in Person or by Counsel	15–12
14.	Jury trial	15–13
15.	Former Jeopardy; Bailable Offenses	15–14
16.	Bail; Fines; Punishments, detention of witnesses	15–15
17.	Self-incrimination; due process of law	15–16
18.	Competency of witnesses	15–17
19.	Libels; truth as defense	15–18
20.	Rights of accused	15–19
21.	Imprisonment for debt or military fine	15–20
22.	Treason; definition, evidence	15–21
23.	Enumeration of Rights not to deny others	15– 1

Article I
Declaration of Rights

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II
ELECTIONS

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

Article II
Elections

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

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

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

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

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

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

Sec.		Com. Proposal
1.	Seat	10a
2.	Division of Powers	21a
3.	Great Seal	18a
4.	Militia	19a
5.	Inter-Governmental Agreements	128a
6.	Internal Improvement	101a
7.	Laws remain in effect	44a
8.	Advisory Opinions	96k

Article III
General Government

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

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

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

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

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

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV
LEGISLATIVE BRANCH

Sec.		Com. Proposal
1.	Legislative Power, where vested	118a
2.	Senate, Number, Term, Districts	80a
3.	Representatives, Number, Term, Districts	80b
4.	Legislative Districts, merger	80c
5.	Island Areas	
6.	Legislative Apportionment Commission	79a
7.	Legislators, qualifications, removal	32a
8.	Ineligibility of certain persons for office	112a
9.	Legislators, ineligibility for certain appointments	120a
10.	Conflict of interest	115a
11.	Legislators, privileges	33a
12.	Legislators, compensation	28a
13.	Legislature, time of convening	116a
14.	Senate and House, quorums	34a
15.	Legislative Council	102c
16.	Legislature, powers, rules	102a
17.	Legislature, committees	102b
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19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
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33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
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36. Revision of laws, compilation 108a
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38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
53. Auditor General 78a

Article IV
Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

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

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

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

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

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

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

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current FISCAL year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the gen-

eral appropriation bills as passed.

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

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

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

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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 [devolvement] of powers ceases.

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

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

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Article VI
Judicial Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

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

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII
EDUCATION

Sec.		Com. Proposal
1.	Principles	1a
2.	Legislative duty to public education	30a
3.	State Board of Education—Superintendent of Public Instruction	47a
4.	Higher education appropriations	98a
5.	Higher education—U of M, MSU, WSU	98b
6.	Other institutions of higher education.	98c
7.	Community and Junior colleges	98d
8.	Instruction programs, etc.	13a
9.	Public libraries, support of	31a

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

Sec.		Com. Proposal
1.	Tax for State Expenses	50a
2.	No Surrender of Tax Power	54a
3.	Uniform Rule of Taxation	51a
4.	Non Profit Corporation	51a
5.	Assessment, rate of	52a
6.	Limits on Ad Valorem Taxes	56a
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

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

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	Leibrand	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Mahinske	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Page	Wood
Follo	Plank	Woolfenden
Gadola	Pollock	Yeager
Goebel	Powell	

Nays—26

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

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 3065.]

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

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

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

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

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

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

1. Amend article VIII, section 6 (column 2, line 24) after "consent of the" by striking out "senate" and inserting "state board of education"; so that the language will there read:

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 state board of education.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I have been in digital communication with Miss Hart and she indicates that 5 minutes should suffice on this amendment. I move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes upon the amendment, all those in favor will say aye. Opposed?

The motion prevails. Debate is limited. The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President and fellow delegates, this question was discussed within our committee at one time and I thought at that time was given serious consideration with regard to the selection of the superintendent with the consent of the state board.

I don't think that we are in any way departing from the tradition of having some check placed upon the power of the governor to fill vacancies. And I think by having an elected state board of education, elected from the whole state by all the people, we are in a sense having a body which would be able to effect the kind of deliberative judgment that ought to be made with regard to the filling of vacancies or the appointing of members to various boards of control. I think, in giving this your consideration, that we are still leaving with the senate its powers with regard to other executive agencies but in the case of education we are simply stating that the state board of education will be the body that will do the advising and consenting. Since the state board will already have an overall coordinating and policymaking function, this would not be out of line with its total operations.

It seems that this would also win considerable support for this particular section 6, since it would take out of that section an objectionable feature, namely, that of advice and consent of the senate. With these factors in mind and realizing that the state board of education will exercise the kind of judgment in which we can have some confidence, I would urge you to give consideration to this amendment and vote yes. Mr. President, I would like to ask for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Faxon demands the yeas and nays upon his amendment. Is the demand supported?

SECRETARY CHASE: Nineteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number.

MR. FAXON: Mr. President, there are people in the halls. If we are going to do this, I think we should —

VICE PRESIDENT HUTCHINSON: Well, the vote has been taken. You didn't demand a call of the convention. The yeas and nays are not ordered. Mr. Bentley.

MR. BENTLEY: Mr. President, this particular amendment was brought up in committee of the whole by Mr. Faxon on first reading and was defeated by a voice vote so decisive that even Mr. Faxon did not ask for division at that time. I suggest that the same treatment be accorded it therewith.

MR. FAXON: Division, please.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Faxon, upon which Mr. Faxon demands a division. Is the demand for division supported? The demand is supported. A division is ordered. All those in favor of the amendment will vote aye. Those opposed will vote no, on a division vote only. 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 Mr. Faxon and others, the yeas are 29; the nays are 65.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question is upon the passage of article VIII. Miss Hart.

MISS HART: Mr. President and fellow delegates, I think that the saddest moment I have known in this convention was at the time of second reading when I had to urge my fellow delegates to vote no on the educational proposal. Many good things are contained in this article, many things that I would wish for the educational stystem of Michigan. However, I believe that the things that are not good outweigh those that are good.

First and foremost, we are known today throughout the United States for our excellent educational system. Today in our present constitution, we are fortunate in having a strong, independent leader of education whose power of decision is derived directly from the people and who is responsible only to the people for his conduct in office. He is a member of the governor's cabinet and shares equal voice with the members of that cabinet. He interprets educational needs and problems to the leader of government when policy decisions are being made. He has status with the legislature because that body recognizes that he speaks with authority for the people. In our new constitution the superintendent has been demoted. He is now to be appointed by an 8 member board who serve on a staggered term basis, who are voluntary workers, unpaid, who meet perhaps once a month maybe for 1 day, maybe 2, maybe for an evening, who are widely separated one from another where communication becomes difficult. The superintendent, then, is no longer a strong, independent head directly responsible to the people but he is an executive secretary who has no final voice in educational decisionmaking. He is a subservient agent. His position in the governor's cabinet is weakened because he no longer speaks for himself as a representative of the people. He may speak only for those whom he represents: the 8 members of the state board.

Efficiency will suffer because the responsibility in our overwhelming state educational system demands one voice that may speak with understanding, authority and decision. There is a vast difference between a superintendent who represents a local area which has a board that is within telephoning distance, that has one policy, and a state superintendent who must represent 2,144 independent school systems each of which has its own policy, each of which is jealous of its own prerogatives, and each of which has its own problems that should be met and should be met immediately and directly without having to wait while the superintendent tries to poll the board members and perhaps not once but several times before he can obtain a decision.

From the political point of view an elected superintendent perforce reports to the people. He has to educate them as to the needs and problems of education and, at the same time, he himself becomes educated by the people and is in a position to translate these needs to the public in whom he has an audience. He brings back these ideas to the capitol and these considerations become important in the decisionmaking on a high policy level.

The plea is made by what I consider unrealistic professionals that this constitution will rescue education from politics. Politics, as I learned it in school, is the science of government. Government supports public education. Therefore, public education is in politics to stay and it would seem to me that it might better be in responsible politics, responsible to the people and within the reach of the people, than in the hidden politics of the professionals. And I say again: I am a professional.

The governor — I think in the silliest day of this convention — was put on the state board of education. This, of course, is a laughable provision in this constitution. I think it needs no more discussion on this floor. It is strictly a part of a deal and is beneath contempt. It makes the governor a laughing stock. It is going to handicap the state board. And it is in truth a ridiculous situation.

On the question of the advice and consent, this has been covered in the past amendments. This we have lost, but it is reason enough that the 7 colleges and universities whose boards are going to be held responsible to an unrepresentative senate — in my book — make this enough of a factor to defeat this educational article. I say it again — I say this sorrowfully but I must say it.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, I am very sorry myself that my good friend and able vice chairman, the lady from Detroit, Miss Hart, is apparently advocating a no vote on article VIII

dealing with education. I would like to remind those delegates before they come to vote on this article of some of the good things that it contains and that I think even the lady from Detroit would admit. A no vote on this article, Mr. President, might, for example, be construed as a vote against the very splendid antidiscrimination clause with respect to our public schools; a no vote on this article, Mr. President, might be construed as a vote against the enlargement and expansion of the authority and powers of the state board of education; a no vote on this article might be construed as a vote to continue in office, in political office, the highest educational officer of the state, the state superintendent; a no vote on this article might be construed as a vote against continuing the constitutional status of the University of Michigan, Michigan State University and Wayne State and the conferring of constitutional status upon our other 7 state supported institutions of higher education; a no vote on this article, Mr. President, might be construed as opposition to recognition in the constitution of our community and junior colleges; a no vote might be construed as opposition to the language with respect to the institutions for the care of handicapped individuals or the support of our public libraries or many other fine things in this section.

I respect the lady's belief that the bad outweighs the good in this particular article, but I submit to you that this has been reviewed; this article has been reviewed carefully and thoughtfully and prayerfully. I submit in turn that the good far outweighs the bad and — in spite of the lady's objections to it, which I can understand since this is a position which she and other members of her party have held consistently throughout the entire convention — I submit that this is a good article and deserves overwhelming support from the delegates of this convention.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, have you any further speakers seeking recognition?

VICE PRESIDENT HUTCHINSON: So far the Chair has 4.

MR. VAN DUSEN: I would move to limit further debate on this article to 8 minutes, then, to be allocated 2 minutes to each speaker.

VICE PRESIDENT HUTCHINSON: The question is upon the motion to limit debate to 8 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. Debate is so limited. The Chair recognizes Mr. Wanger. Are you seeking recognition?

MR. WANGER: No.

VICE PRESIDENT HUTCHINSON: That removes one of them. Mr. Stevens.

MR. STEVENS: Mr. President and delegates, in reply to the worries of my recent colleague, Miss Hart, let me say that we need waste no sympathy on the demotion of the state superintendent of public instruction. Probably no elected administrative or executive officer outside of the governor has more prestige and, certainly none has less real authority or policymaking responsibility. He does have, of course, a responsibility in carrying out purely ministerial duties and he will continue to have the same working under the board of education.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I merely wanted to say that our self appointed critics, Mr. Downs and Miss Hart, appear to be trying to undermine our own work right here in our midst. They must know that they are giving ex parte statements which have as much or as little authority as they themselves carry.

Miss Hart has made so many inaccurate statements and presented such a one sided picture of the whole article that it would take me too long to balance her one sided criticism. I content myself, therefore, by quoting Artemus Ward, who said one time, "It's not only what we don't know that gets us in trouble; it's also what we do know that ain't so." (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, in answer to Dr. Pollock, I might say that what he said last evening tells us what Mr. Pollock is.

So far as what the article actually means or voting no would mean, I believe that Miss Hart spoke simply, understandingly, and she did tell the truth. She is with the educational department and she doesn't step out of it trying to make others believe she is something she is not, and I could name others here who don't stick to their last. To Mr. Bentley, this no vote means just exactly what it is. It means that article smells — s-t-i-n-k-s, stinks. Vote no.

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President and members of the convention, this article comes to us with unusual unanimity of voting on the part of the education committee. There were 23 sections reported to the committee of the whole by the education committee and 17 of those sections were reported by the unanimous vote or without objection of any member of the education committee. Six were reported to the committee of the whole by a split vote.

On second reading, 1/3 of the article was adopted unanimously without a single dissent. Exactly 1/3 was adopted with dissents numbering between 1 and 5, so 67 per cent of this article has been already approved on second reading by this convention by substantially unanimous action. I think this is a tribute to the work of the committee, the quality of the job done, and I certainly urge a vote for this article.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article VIII. Mr. Downs.

MR. DOWNS: Mr. President, I think in discussing these articles we must realize that it is not just a mechanical approach of something being 90 per cent good and 10 per cent bad or so on. I think many of the provisions of the 1908 constitution would be accepted. I think, really, it is the quality of what is involved and I for one am very concerned when we have 7 universities that will have advice and consent on their governing boards.

I am concerned that where we have a lofty statement in section 2, "The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law," and then turn around in taxation and executive and earmark money for roads and not for schools and provide executive appropriations that would practically mandate the reduction of funds disproportionately for unearmarked educational systems.

I think we must look at this as a whole unit. I know in committee sometimes, as in judicial, delegates did in good conscience vote for things with the understanding that they would get them out on the floor and reserved the right to make amendments after those were on the floor, or substitutes.

I do think on much of this there has been unanimity and I think if my good friend, Mr. Woolfenden's, argument is anything, it is for the idea — which unfortunately was rejected — of taking those things that there was substantial unanimity on, putting them in one package and putting the controversial things in another package to be voted upon separately, so that those would not pull down the noncontroversial. I therefore continue to urge a no vote on this article because I think the net result is a step backwards from the educational system we have now, and that the proponents of this have not demonstrated the need for the changes from what we have. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, Mr. Downs practically made the remarks that I was going to. My good friend and badminton companion, Mr. Woolfenden, is using these statistics, but I think it is only fair to point out that the counties that did vote for this constitution were very few. They had certain specific reasons they felt that constitutional revision was necessary. It was on 2 or 3 major issues. And I am quite certain that if we were to vote on the present constitution, we could still get 95 or 85 per cent unanimity on many of the sections. This is not the criterion. The criteria are on those things that we felt needed change and that we didn't get, on those things that we felt were well and good in the present constitution that have been changed for whatever reasons may be given.

I think in all good conscience we have to oppose this article as we opposed other articles. There are a few sections in here to which we do not hold objection. I think our votes on first reading and second reading point out where we stand, clearly and concisely, on every issue. Now it comes down to, in the finality, if — on this article or any other article — we can in good conscience accept the total package. And I submit the only way that the minority has to voice their objections and so that we

cannot continue to play this numbers game is to show that we do object, feel that we are moving in a backward direction, and therefore continue to vote no.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article VIII, education. The time for debate has expired. All those in favor of the passage of the article will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Goebel	Powell
Andrus, Miss	Gover	Prettie
Anspach	Gust	Pugsley
Balcer	Hanna, W. F.	Radka
Barthwell	Hannah, J. A.	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Richards, L. W.
Bentley	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	King	Stafseth
Dehnke	Kirk, S.	Stamm
Dell	Knirk, B.	Sterrett
Donnelly, Miss	Koeze, Mrs.	Stevens
Doty, Dean	Kuhn	Thomson
Doty, Donald	Lawrence	Tubbs
Durst	Leppien	Turner
Elliott, A. G.	Martin	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Wanger
Farnsworth	Millard	White
Figy	Mosier	Wood
Finch	Page	Woolfenden
Follo	Plank	Yeager
Garvin	Pollock	

Nays—31

Austin	Ford	Nord
Baginski	Hart, Miss	Ostrow
Binkowski	Hodges	Pellow
Bledsoe	Jones	Perlich
Bradley	Krolikowski	Sablich
Buback	Lesinski	Stopczynski
Dade	Madar	Suzore
Douglas	Marshall	Wilkowski
Downs	McAllister	Young
Elliott, Mrs. Daisy	Murphy	Youngblood
Faxon		

SECRETARY CHASE: On the passage of article VIII, the yeas are 92; the nays are 31.

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

For article VIII as passed, see above, page 3065.

Following is explanation of vote submitted by Messrs. Jones, Wilkowski, Downs, Madar, Young, Suzore, Youngblood, Murphy, Baginski, Bradley, Binkowski, Faxon, Buback, Sablich, Ford, Miss Hart and Mrs. Daisy Elliott:

We voted no on article VIII — education, for several reasons.

Michigan's present educational system has a superintendent of public instruction elected by the people. He has a constitutional status and as such serves the interests of education on the administrative board of state government and with legislators and legislative committees as a fellow constitutional official. The process of campaigning brings him close to the people and the people close to him. This is replaced by a hired superintendent who is selected by a part time, 8 member state board of education that is spread throughout the state and no one member of which is responsible, as is the present full time superintendent of public instruction. We feel this will remove education from the constitutional status it now has and weaken our historically independent educational system for public schools.

The boards of 7 of Michigan's great universities have been weakened by requiring the advice and consent of the Michigan state senate in selection of the board members. This of necessity injects the politics of an unrepresentative Michigan senate through what has heretofore been an academically independent educational responsibility. It has heretofore largely been Michigan's history that elected educational officials that are selected on a one man, one vote basis and are independent of the executive and legislative branches of the government have built one of the greatest educational systems in the nation, and have maintained the principles of academic freedom and intellectual inquiry.

We further regret that the governor was made an ex officio member of the state board of education. To a weak governor this would mean too little; to a strong governor, a real danger of domination of education by the chief executive. The integrity of our educational system should keep the governor off the board and the effectiveness of the governor's office should not require him to be an ex officio member of this board.

We believe that these changes are definite steps backward in the present constitution and, therefore, opposed this article.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Heideman.

MR. HEIDEMAN: In voting for the education article, I would like to relate just a little story about the advantages of education: there is a teacher who makes a comment to her class, "Just think, the light we get from the sun travels at a speed of about 186,000 miles a second. Isn't that amazing?" One of the students raises his hand and says, "Aw, I don't know; it's downhill all the way." (laughter)

MR. VAN DUSEN: Mr. President, it appears that there would not be time to get very far into the finance and taxation article, which is next up this afternoon, but I think that perhaps by working until 5:30 we could do a pretty fair job on article X, which is property. And I understand there are only 2 amendments pending to it. For that reason I would move that the convention now proceed to consider article X.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves that the convention proceed to consider article X. Is there objection?

MR. MADAR: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard. Now the Chair will put Mr. Van Dusen's motion: all those in favor of the —

MR. MADAR: Point of order.

VICE PRESIDENT HUTCHINSON: State your point.

MR. MADAR: He put a motion, did he?

VICE PRESIDENT HUTCHINSON: He did.

MR. MADAR: All right.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves that the convention proceed to the consideration of article X. All those in favor will say aye. Opposed, no.

The motion prevails. The secretary will read article X, property.

SECRETARY CHASE: **Article X,** property:

[Article X, sections 1 through 6, was read by the secretary. For text, see above, page 3069.]

VICE PRESIDENT HUTCHINSON: Article X has been read a third time. The secretary will report the first amendment.

SECRETARY CHASE: Mrs. Butler offers the following substitute for section 1 of article X:

"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

I think, too, that if we wanted to be very critical and analytical about some of the things that are happening right here in this convention, we could point out that we have violated the state labor laws affecting women constantly throughout the length and breadth of this convention, because women have worked more than 9 hours a day and more than 10 hours a day, and I believe the state statute speaks out and is opposed to women working those hours. So we have not reduced ourselves to this childish prank and jest and so on.

It is true that a lot of women should be at home as one of the brothers back here just said, but a lot of them don't have homes to go to — not unless they are working — and the intent and purpose that was behind "sex" being included was not for women who have great inheritance to share or stocks to share and so on. It was for women who work for a living and those who work for a livelihood, and I think that that would be the sense and the seriousness of the inclusion of the word "sex" in the equal protection section that we voted against yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Have you any further amendments on the desk?

VICE PRESIDENT HUTCHINSON: No further amendments.

MR. VAN DUSEN: In that event —

VICE PRESIDENT HUTCHINSON: The question is upon the passage of the article.

MR. VAN DUSEN: If there are no speakers seeking recognition — does Mr. Hoxie seek recognition?

MR. HOXIE: Well, I just wanted to make a motion that the Chair had the privilege of recording his vote in the journal. (laughter)

VICE PRESIDENT HUTCHINSON: Well, the Chair would have voted against the amendment, if that is what you meant (laughter) if his vote had been seasonably demanded.

MR. VAN DUSEN: If there are no speakers, Mr. President, I will just sit down and let you put the question.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article X. All those in favor of the passage of article X, as amended, will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—125

Allen	Garvin	Page
Anspach	Gover	Pellow
Baginski	Greene	Perlich
Balcer	Gust	Perras
Barthwell	Hanna, W. F.	Plank
Batchelor	Hannah, J. A.	Pollock
Beaman	Haskill	Powell
Bentley	Hatch	Prettie
Binkowski	Hatcher, Mrs.	Pugsley
Blandford	Heideman	Rajkovich
Bledsoe	Higgs	Richards, J. B.
Bonisteel	Hodges	Richards, L. W.
Boothby	Howes	Rood
Bradley	Hoxie	Rush
Brake	Hubbs	Sablich
Brown, G. E.	Hutchinson	Seyferth
Buback	Iverson	Shackleton
Butler, Mrs.	Jones	Shaffer
Conklin, Mrs.	Judd, Mrs.	Sharpe
Cudlip	Karn	Sleder
Cushman, Mrs.	Kelsey	Snyder
Dade	King	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Stamm
Dell	Koeze, Mrs.	Sterrett
DeVries	Krolikowski	Stevens
Donnelly, Miss	Kuhn	Stopczynski
Doty, Dean	Lawrence	Suzore
Doty, Donald	Leibrand	Thomson
Douglas	Leppien	Tubbs
Downs	Lesinski	Turner
Durst	Madar	Upton
Elliott, A. G.	Mahinske	Van Dusen
Elliott, Mrs. Daisy	Marshall	Walker
Erickson	Martin	Wanger
Everett	McAllister	White
Farnsworth	McGowan, Miss	Wilkowski
Faxon	McLogan	Wood
Figy	Millard	Woolfenden
Finch	Mosier	Young
Follo	Murphy	Youngblood
Ford	Nord	

Nays—1

Yeager

SECRETARY CHASE: On the passage of article X, as amended, the yeas are 125; the nays are 1.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article X, as amended,** is passed.

For sections 3, 4, 5 and 6 of article X as passed, see above, page 3069.

Following is section 1 of article X as amended and passed:

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 by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Following is section 2 of article X as amended and passed:

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

VICE PRESIDENT HUTCHINSON (continuing): Any announcements?

SECRETARY CHASE: Yes. I have the following request: Delegates Dean Doty and Sterrett ask the whereabouts of their small blue delegate handbooks with their names thereon. These have been circulating for the past 2 weeks for signatures. (laughter) They would like to have their books returned.

The committee on administration will meet tomorrow at 12:00 noon. Walter DeVries, chairman.

The public information committee will meet at 8:00 o'clock this evening in room C. Ink White, chairman.

VICE PRESIDENT HUTCHINSON: Mrs. Butler.

MRS. BUTLER: Mr. President and fellow delegates, some time ago Mr. Bonisteel spoke to the convention about the Michigan historical society of which he is president. He thought and the historical board thought it would be very nice if each of the members of the constitutional convention would for this year be a member of the Michigan historical society. Our time is getting very short and so I thought tonight I would suggest that either Mr. Bonisteel or I would be very glad to take your money to make you a member of the Michigan historical society for this year. I am not an officer; I am just his henchman.

SECRETARY CHASE: I have the following requests for leave: Mr. Rush asks to be excused from the sessions of Wednesday afternoon and of Thursday; and Mr. Anspach asks to be excused from the first part of the morning session on Friday, May 11. He agreed to speak at a conference at the University of Michigan at 9:00 a.m. on that date.

VICE PRESIDENT HUTCHINSON: Without objection the several requests will be granted. Miss Donnelly.

MISS DONNELLY: I move this convention adjourn.

VICE PRESIDENT HUTCHINSON: Miss Donnelly moves that the convention do now adjourn. All those in favor will say aye. Opposed, no.

The motion prevails and the convention stands adjourned until tomorrow morning at 9:00 o'clock.

[Whereupon, at 5:50 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Wednesday, May 9, 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 which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

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

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

Article XI
Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

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

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka
Binkowski	Hatcher, Mrs.	Rajkovich
Blandford	Heideman	Richards, J. B.
Bledsoe	Higgs	Richards, L. W.
Bonisteel	Hood	Romney
Boothby	Howes	Rood
Bowens	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Brown, T. S.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tubbs
Durst	Mahinske	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Figy	Mosier	Wilkowski
Finch	Murphy	Wood
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Ostrow	Youngblood

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

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

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

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

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

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

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

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

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

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

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

No change from Sec. 8, Article IX, of the present constitution except for improvement in phraseology.

Liberal construction of 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.

This is a new section intended to direct the courts to give a liberal or broad construction to statutes and constitutional provisions concerning all local governments. Home rule cities and villages already enjoy a broad construction of their powers and it is the intention here to extend to counties and townships within the powers granted to them equivalent latitude in the interpretation of the constitution and statutes.

Article VIII

EDUCATION

Principles.

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.

No change from Sec. 1, Article XI, of the present constitution.

Legislative duty to public education.

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.* ****

This is a revision of Sec. 9, Article XI, of the present constitution which fixes responsibility on the legislature to provide "primary" education. To conform to present practice and court interpretations, "primary" is changed to "elementary and secondary". The balance of the section is excluded because its restrictions as to finance and definitions as to basic qualifications needed to be eligible for state aid are better left to legislative determination.

The anti-discrimination clause is placed in this section as a declaration which leaves no doubt as to where Michigan stands on this question.

State board of education; superintendent of public instruction.

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.

This is a new section combining and enlarging upon the provisions in Sections 2 and 6, Article XI, of the present constitution. It attempts to embody two fundamental principles: (1) the concern of all people in educational processes as a safeguard for democracy; (2) greater public participation in the operation of educational institutions.

The enlarged state board provides a policy-making body on a state level. Michigan is one of three states that does not have such a board. Creation of a state board places the superintendent in the position of having constantly available a consultative and deliberative body of outstanding citizens who are representative of the people of the state.

Eight elected members have been selected as the number for the board because experience in other states has proved this to be a desirable size for a body of this nature. The legislature shall provide for the election of board members for overlapping 8-year terms to maintain continuity in education policies. Board members would be nominated at party conventions and elected at large by voters of the state. The governor would be a member ex officio of the state board of education in order to provide a close relationship between the executive branch of state government and the field of public education. He would have no vote in determining board decisions.

It is proposed that the board be the unifying and coordinating force for education within the state and receive information from all of the various levels of public education. Such information would be considered by the board in determining advice to local school boards, governing boards of colleges and universities and the legislature as to the total needs of education in this state.

Appointment of the superintendent of public instruction by the state board follows present day trends in other states and would assure selection from among the most competent people available. Michigan elects its superintendent under the present constitution. The superintendent would be considered as administrative head of the state department of education and as such should be a staff officer to the governor and on his administrative board.

The concluding paragraph of the section preserves for boards of institutions of higher education the power to supervise their respective institutions and control and direct the expenditure of their funds as at present.

Higher education appropriations.

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 name 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.

This is a revision of Sec. 10, Article XI, of the present constitution requiring the legislature to appropriate funds to maintain all state-supported institutions of higher education. All such institutions must give an annual accounting to the legislature of all income and all expenditures. This has been done as a matter of practice heretofore by the several institutions.

Constitutional status is conferred on all state-supported institutions of higher education which are now in existence or which may hereafter be established.

The concluding sentence of the section insures that formal sessions of the governing boards of such institutions will be open to the public.

Higher education; U of M, MSU, WSU.

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.*

This is a revision combining Sections 3, 4, 5, 7, 8 and 16, Article XI, of the present constitution. The governing boards of the University of Michigan, Michigan State University and Wayne State University are placed on an equal basis in the supervision of their respective institutions and the control and direction of all expenditures from the institutions' funds.

Each of the boards is permitted to choose the president of its university as presently provided. All three boards are to be equal in size, which enlarges those of Michigan State University and Wayne State University from six to eight members. Such members are all to be elected for eight-year terms and vacancies are to be filled by appointment of the governor.

Other institutions of higher education.

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