

Michigan Constitutional Convention of 1961

Committee Proposal 98a

Const 1963, Art 8, § 4

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3452, 3470
First Reading	pp. 757, 1135-1142, 1187, 1199-1200, 1202, 1206, 1891
Second Reading	pp. 2563, 2567-2572
Draft Constitution (Art 8, § 4)	pp. 3047-3075 (p. 3066)
Third Reading, Article-by-Article	pp. 3147-3149
Draft Constitution (Art 8, § 4)	pp. 3215-3237 (p. 3230)
Third Reading, Full Constitution	pp. 3292, 3300-3301
Adopted Constitution (Art 8, § 4)	pp. 3319-3353 (p. 3342)
Address to the People	p. 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 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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

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

* Created by the committee on style and drafting.

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

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93. A proposal pertaining to the circuit court. A substitute for sections 8, 9, 10 and 11 of article VII.
 For text as offered and reasons 1355
 For minority reports and reasons 1356
 As referred to style and drafting 1393
 As reported by style and drafting 2675
 As rereferred to style and drafting 2677
 Feb. 2, reported by judicial branch; referred to committee of the whole 757
 Feb. 28, read first time; sections a, b, c, d considered; sections a, b, d amended, passed; section c amended, postponed by committee of the whole. 1355-1372
 Mar. 1, section c considered, amended, passed; committee proposal as amended considered, amended, passed by committee of the whole 1374-1380
 Mar. 1, reported by committee of the whole with 6 amendments; 4 amendments concurred in; referred to style and drafting 1387-1393
 Apr. 6, reported by style and drafting (Report 55); placed on order of second reading 2191
 Apr. 23, read second time; amended, passed; rereferred to style and drafting 2675-2677
94. A proposal pertaining to the probate court. A substitute for sections 13 and 14 of article VII.
 For text as offered and reasons 1380
 For minority report and reasons 1381
 As referred to style and drafting 1463
 As reported by style and drafting 2677
 As rereferred to style and drafting 2686
 Feb. 2, reported by judicial branch; referred to committee of the whole 757
 Mar. 1, read first time; section a considered by committee of the whole 1380-1387, 1393-1404
 Mar. 2, section a considered, amended by committee of the whole 1405-1428
 Mar. 5, section a, b considered, passed; committee proposal as amended considered, passed by committee of the whole 1431-1440
 Mar. 5, reported by committee of the whole with 3 amendments; consideration postponed until Mar. 6 1452
 Mar. 6, report of committee of the whole considered; 1 amendment concurred in; amended; referred to style and drafting 1453-1463
 Apr. 6, reported by style and drafting (Report 56); placed on order of second reading 2191
 Apr. 23, read second time; amended, passed; rereferred to style and drafting 2677-2686
95. A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII.
 For text as offered and reasons 1440
 As referred to style and drafting 1487
 As reported by style and drafting 2712
 As rereferred to style and drafting 2720
 Feb. 2, reported by judicial branch; referred to committee of the whole 757
 Mar. 5, read first time; considered, amended by committee of the whole 1440-1452
 Mar. 6, considered, passed by committee of the whole 1463-1478
 Mar. 6, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting 1483-1487
 Apr. 6, reported by style and drafting (Report 57); placed on order of second reading 2191
 Apr. 23, read second time; amended, passed; rereferred to style and drafting 2712-2720
96. A proposal pertaining to general and special provisions relative to the courts of the state. A substitute for sections 17, 19, 20 and 23 of article VII.
 For text as offered and reasons 1478
 For minority reports and reasons 1480
 For committee amendment and reasons 1554
 For minority report and reasons to committee amendment 1554
 As referred to style and drafting 1632
 As reported by style and drafting 2690
 As rereferred to style and drafting 2711
 Feb. 2, reported by judicial branch; referred to committee of the whole 757

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- 96: Cont'd.
 Mar. 6, read first time; section a considered, amended by committee of the whole 1478-1483
 Mar. 7, sections a, b, c, d considered; section a amended, passed; sections b, c, d passed by committee of the whole 1494-1517
 Mar. 8, sections e, f, g, h, i, j, k considered; sections e, h, i, j passed; sections f, g, k amended, passed by committee of the whole 1519-1551
 Mar. 9, sections l, m offered; section l postponed; section m amended, adopted by committee of the whole 1554-1564
 Mar. 13, section l considered, adopted; committee proposal as amended considered, passed by committee of the whole 1609-1611, 1621
 Mar. 13, reported by committee of the whole with 8 amendments; amendments concurred in; referred to style and drafting 1622-1632
 Apr. 6, reported by style and drafting (Report 58); placed on order of second reading 2191
 Apr. 23, read second time; amended, passed; rereferred to style and drafting 2690-2712
97. A proposal to amend article XI by adding a new section pertaining to the arts and recreation.
 For text as offered and reasons 1233
 As referred to style and drafting 1240
 Feb. 2, reported by education; referred to committee of the whole 757
 Feb. 22, read first time; considered, amended, passed by committee of the whole 1233-1240
 Feb. 22, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 1240
 (Note: The entire content stricken.)
98. A proposal pertaining to the educational institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI.
 For text as offered and reasons 1135
 For minority report and reasons 1136
 As referred to style and drafting 1206
 As reported by style and drafting 2563
 As rereferred to style and drafting 2572
 Feb. 2, reported by education; referred to committee of the whole 757
 Feb. 16, read first time; sections a, b considered; section a passed; section b amended by committee of the whole 1135-1145
 Feb. 19, sections b, c, d considered; section b amended, passed; section c passed by committee of the whole 1147-1155, 1170-1173
 Feb. 20, section d considered, passed; committee proposal as amended considered; sections a, c, d amended; passed by committee of the whole 1175-1188
 Feb. 20, reported by committee of the whole with 5 amendments; amendments concurred in; consideration postponed to Feb. 21 1199
 Feb. 21, considered; referred to style and drafting 1202-1206
 Mar. 27, reported by style and drafting (Report 51); placed on order of second reading 1891
 Apr. 18, read second time; amended, passed; rereferred to style and drafting 2563-2572
99. A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases. Amends article V, section 27.
 For text as offered and reasons 2288
 As referred to style and drafting 2288
 As reported by style and drafting 2961
 As rereferred to style and drafting 2961
 Feb. 2, reported by legislative powers; referred to committee of the whole 757
 Apr. 11, read first time; considered, passed by committee of the whole 2288-2290
 Apr. 11, reported by committee of the whole without amendment; referred to style and drafting 2297
 Apr. 23, reported by style and drafting (Report 84); placed on order of second reading 2670
 Apr. 30, read second time; passed; rereferred to style and drafting 2961

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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

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 90**, A proposal pertaining to the judicial branch. A substitute for section 1 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 90 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 91**, A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 91 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 92**, A proposal pertaining to a court of appeals. Amends article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 92 and the reasons submitted in support thereof, see below under date of March 13.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 93**, A proposal pertaining to the circuit court. A substitute for sections 8, 9, 10 and 11 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 93 and the reasons submitted in support thereof, see below under date of February 28.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 94**, A proposal pertaining to the probate court. A substitute for sections 13 and 14 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 94 and the reasons submitted in support thereof, see below under date of March 1.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 95**, A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 95 and the reasons submitted in support thereof, see below under date of March 5.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. A substitute for sections 17, 19, 20 and 23 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 96 and the reasons submitted in support thereof, see below under date of March 6.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 97**, A proposal to amend article XI by adding a new section pertaining to the arts and recreation; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 97 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 98**, A proposal pertaining to the educational

institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 98 and the reasons submitted in support thereof, see below under date of February 16.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 99**, A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases. Amends article V, section 27; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 99 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 100**, A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 100 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 101 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 102**, A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 102 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 103**, A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 103 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 104**, A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected. Retains article V, section 23; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 104 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 105**, A proposal to provide that bills must

Mr. Suzore is the clerk of Lincoln Park, and he brought to the committee much experience as a result of that service and other service within the communities in that particular section of our state.

Now, I would like to speak a moment about Jim Thomson, because, unfortunately, during the time that we were in our greatest deliberations Mr. Thomson was home ill. But, at the very beginning of the convention, when he was able to be with us, his background in county government was most helpful to each and every one of us. And I'm only sorry, Jim, if you're here in the room today, that you were not able to be present at all of our deliberations; because I'm sure that we would have come to a speedier conclusion on some of the points that we discussed if we had had you with us.

Finally, and last—and I'm grateful to each of you for your consideration in giving me this time—I would like to speak about another member of our committee who was one of our quiet members, Mr. Tweedie. I would just like to say that he, too, made his contributions quietly, but when he made them he made them with force.

Ladies and gentlemen of the convention, I want to tell you that it's been a real thrill and experience for me to have served you these 4 months in these particular deliberations. I could not have done it, and the actions that you have taken here could not have taken place, if it hadn't been for the help of the 26 members that served on this committee with me. I thank you.

VICE PRESIDENT HUTCHINSON: The gentleman from Oakland, Mr. Walker.

MR. WALKER: Mr. President, I rise to ask that the remarks not be printed in the daily journal. I say this with no malice or anything toward Mr. Elliott. But with the convention costs as they are of roughly \$2400 per session hour, 11 minutes would come to roughly \$440, and I think it is unnecessary to expend any more of the taxpayers' money. And although I think this is very nice and very good, and I think Mr. Elliott deserves a lot of kudos for his fine performance, I don't think we ought to spend any more of the taxpayers' money.

VICE PRESIDENT HUTCHINSON: Mr. Walker, the Chair advises the gentleman that neither the remarks of Mr. Elliott nor the remarks of Mr. Walker will appear in the daily action journal. They will appear in the verbatim journal.

Pursuant to order previously made, the convention will now return to the order of reports from standing committees; and the Chair recognizes Mr. DeVries.

MR. DeVRIES: Mr. President, I move that Resolution 70 and the amendments thereto be passed over until Monday evening at 8:00 o'clock.

VICE PRESIDENT HUTCHINSON: On the motion, all those in favor will say aye. Those opposed will say no.

The motion prevails, and it is so ordered.

The gentleman from the twenty-first district, Mr. Marshall.

MR. MARSHALL: Mr. President, I just want to make a few brief remarks. I want to compliment the distinguished chairman of the local government committee for the wonderful remarks that he made. Knowing Art as I do, and having a lot of respect for him and his ability, both in business and politically, I realize that he was serious and earnest when he made these remarks.

I don't want this remark that I'm going to make now to be taken too seriously, however. Now that he has buried me under home rule, and the other Democrats on the committee, being the strong and stalwart gentleman that he is, and believing strongly in his political faith, I think he must believe in the old adage that the only good Democrat is a dead one, so now he eulogizes us. (laughter) With that, I will relinquish the floor. I will go home tonight, where there is true home rule. (laughter)

VICE PRESIDENT HUTCHINSON: The next order of business is **general orders of the day**. The Chair recognizes the delegate from Ionia, Mr. Powell.

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

VICE PRESIDENT HUTCHINSON: The question is upon the motion made by the delegate from Ionia, Mr. Powell. All those in favor will say aye. Those opposed will say no.

The motion prevails. The delegate from Ionia, Mr. Powell, 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 for the consideration of committee proposals under the item of general orders. The secretary will read.

SECRETARY CHASE: Page 2 of the calendar, Item 1, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 98**, A proposal pertaining to the educational institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI.

Following is Committee Proposal 98 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. **THE LEGISLATURE SHALL 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.**

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 OF AGRICULTURE AND APPLIED SCIENCE AND THEIR SUCCESSORS IN OFFICE SHALL CONSTITUTE A BODY CORPORATE KNOWN AS THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE; 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 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. VACANCIES SHALL BE FILLED ACCORDING TO 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**

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

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, AND PRESIDE AT MEETINGS OF THE BOARD. 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 OPERATED 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.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Committee Proposal 98:

Sec. a. This section requires the legislature to appropriate funds to maintain all state supported institutions of higher education, including those presently having constitutional status. Other institutions are specifically mentioned by name in this constitution for the first time. Northern Michigan College becomes Northern Michigan University and Michigan College of Mining and Technology has its name changed to Michigan College of Science and Technology. There was some sentiment within this committee for omitting all specific reference to these institutions by name but the majority opinion was that to provide adequate constitutional and legal protection as well as for reasons of prestige, they should be referred to by specific title. All of the state supported institutions are required to give an annual accounting to the legislature of all income and all expenditures.

Sec. b. This section replaces sections 3, 4, 5, 7, 8, 10 and 16 of the present constitution and combines them into one section. The governing boards of the University of Michigan, Michigan State University and Wayne State University are placed on an equal basis so far as the supervision of their respective institutions and the control and direction of all expenditures from the institution's funds are concerned. There is a provision in each case for their choosing a president of the institution as is now the case with them. All 3 boards are to be equal in size, which enlarges those of Michigan State University and Wayne State University from 6 to 8 members. Such members are all to be elected for 8 year terms according to law and any vacancies in these boards are likewise to be filled by law. This section reaffirms the constitutional status of the 3 major state institutions and places them on an exactly equal footing with respect to their governing boards, presidents, etc. It was approved unanimously by the committee.

Sec. c. This section confers constitutional status on all other institutions of higher education which are now in existence or which may hereafter be established. The provisions relative to their boards of control, presidents, etc., are similar to the provisions for the 3 institutions named

in Sec. b. Members of these boards of control, however, are to be appointed by the governor in a manner similar to other executive appointments as provided in this constitution.

Sec. d. This section requires the legislature to provide by law for the establishment and financial support of public community and junior colleges to be operated by locally elected boards of control. A majority of this committee wished to have included in the constitution reference to a separate state board for the purpose of providing special emphasis to this rapidly growing segment of our educational system. The recommendation is in line with the John Dale Russell report, Higher Education in Michigan. To quote Russell:

It is coming to be recognized that the community or junior college is something different from the other units of the public school system. It is not just a glorified high school, neither is it just an inferior or downgraded college. It has a distinct and unique place of its own in the public school system. As such—it deserves the kind of supervision at the state level that can best be furnished by an agency which does not have its main focus of attention on the elementary and secondary schools.

It should be emphasized that the creation of this special board does not violate the concept of unity and coordination which we have attempted to establish through a new and enlarged state board of education. Rather, the board is essentially advisory to the state board of education, operating within the total framework of the board. It would not cause the creation of a different office of education. Placing the superintendent of public instruction as ex officio member on this board will further assure that all of the facilities and staff of the superintendent of public instruction will be available to the board to assist them administratively and clerically.

Of course, the committee realizes that the state board of education has power and authority to appoint advisory groups when needed. It is expected that the board will appoint committees of outstanding citizens from time to time which would advise it in planning and coordinating any of the areas of education.

Following is the minority report to Committee Proposal 98 as offered and the reasons submitted in support thereof:

Messrs. Faxon, T. S. Brown, Kuhn and Mrs. Conklin, a minority of the committee on education, submit the following minority report to Committee Proposal 98:

A minority of the committee recommends that the following be excluded from the constitution:

Committee Proposal 98, page 3, line 2, delete from "The legislature . . ." through rest of section.

Messrs. Faxon, T. S. Brown, Kuhn and Mrs. Conklin, a minority of the committee on education, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 98:

The minority members of this committee first wish to call the attention of the delegates to the first action which this committee took regarding junior colleges. On Friday, January 26, the majority of the members voted in favor of the language which is now being offered as the minority report. It is for this reason that we are using the supporting language which the chairman of our committee originally prepared to deal with this section under discussion.

We believe that the statement made by our chairman on this subject states adequately the feelings that were then expressed in the committee and we wish to support these statements at this time.

Delegate Bentley, chairman of the committee on education, prepared the following report in support of our substitute proposal:

This section requires the legislature to provide by law for the establishment and financial support of

public community or junior colleges to be operated by locally elected boards of control. A strong minority of this committee wished to have included in the constitution reference to a separate state board for the purpose of supervising these colleges to provide the legislature with annual reports on their operations, to request annual appropriations for their support and to allocate among them all funds appropriated. The majority of this committee, however, decided that it was unnecessary to create a separate board for such purposes, believing that an enlarged state board of education could and should adequately perform such functions. However, the committee realized the growing importance of these institutions in the field of higher education. There are now 17 community colleges in Michigan and it is anticipated that this number may expand to 30 or 40 within the next several years. At that time their enrollment may well exceed that of the total number of all state educational institutions who have constitutional status. The committee, therefore, decided to recommend to the state board of education that it either include overall supervision of these colleges among its own functions or, preferably, request the legislature to create by statute a separate coordinating community college board for such purposes. The committee also decided to encourage coordination and cooperation among the community and junior colleges on a voluntary basis, perhaps by some organization such as now exists among the other state supported institutions of higher education (council of state college presidents).

In further consideration of reasons other than those already mentioned dealing with this problem, we have only to look at the language under consideration. The state board of education has within its powers the authority to create any such boards as it may deem necessary in order for it to carry out its functions adequately. This is implicit in the language dealing with the state board of education. The language establishing the state board of education is as follows:

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.

It can be observed that in this language establishing the state board of education, that junior and community colleges are included. In order to maintain consistency here, it is our feeling that the total problems and the total view of education should rest with the state board of education and not constitutionally assigned to another board. This is not only in keeping with sound administrative policy, but is also in keeping with recommendations made by the present superintendent of public instruction.

It might further be observed that the entire section dealing with junior colleges might not be included in the constitution at all and that they would still come under the state board of education. It is our feeling that a recognition of the junior and community colleges is necessary since the committee has recognized so many other important areas of education.

The statement which we recommend satisfies 2 of the important requests made to our committee by the junior colleges themselves, the first of these being that "the legislature shall provide by law for the establishment and financial support for public and junior colleges" and the second being that these colleges be operated by locally elected boards. Certainly no member of the committee can be accused of not showing concern for junior colleges in proposing and adopting this language.

We furthermore feel that the creation of a constitutional board to advise another board is unprecedented in Michigan constitutional history and probably equally unprecedented in American constitutional history. It is our feeling that this is not a constitutional matter. It presently is found within the scope of the state board of education. It is implicit within the powers of the proposed state board of education so that the addition of any language establishing a board would only serve to create confusion and dissension within educational ranks.

The whole purpose to the establishment of a state board of education as has been unanimously proposed by this committee was to give to education a single board that could look at education's entire needs. To constitutionally establish a board for junior colleges is, in our opinion, demonstrating lack of faith not only in the legislature, but also in the ability of the state board of education to administer this department adequately.

In summation, we may observe the following:

1. The establishment of a state board with specific functions to advise is not a constitutional subject of concern.
2. Recommendations for the establishment of such a board are to be found in Chairman Bentley's supporting statements for this proposal.
3. This proposal meets the need of recognition of the importance of junior and community colleges without setting up another faction of state educational administration.
4. The power to handle this subject has already been delegated to the state board of education. Therefore, it would seem best to leave it to their discretion as to how they might best perform their duties.
5. It is our feeling that the constitution should have within it flexibility and that locally elected boards controlling junior and community colleges should be free to enter into any type of association which might meet their needs. A proscription into the constitution of a specific board for this purpose is to deny to these people their free rights as American citizens.

[Section a was read by the secretary. For text, see above, page 1135.]

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

MR. BENTLEY: Mr. Chairman, we now begin our consideration of the final proposals from the committee on education. The first proposal, 98, which the committee of the whole has before it, is that one dealing with higher education. I would state frankly that it would be my hope that we can finish action on this proposal this afternoon. If the quantity as well as the quality of the debate does not so permit, we will of course move that the committee rise at a reasonable hour.

With respect to the first 3 of the 4 sections of the particular proposal, the first section being the one the secretary has already read, there were differences of opinion within the committee, and I understand there may be amendments offered; but the final action of the committee with respect to these first 3 sections was unanimous on the final vote. On section 4, the fourth section, there is a pending minority report, signed by a bipartisan group of 4 members of the committee, which will be offered, of course, when that particular section is reached.

At this time, Mr. Chairman, before proceeding any further, I would like to make one brief statement to the distinguished gentleman from Taylor, Mr. Marshall, who referred to me earlier with regard to the idea of yielding.

I wish to assure the gentleman that although I am retaining the floor at the present time for the purpose of yielding briefly to other members of the committee, to make further explanations with regard to this first section, and then yielding for questions, it is not my intention — and I'm sure the intention of no other member of the committee on education — to retain the floor unduly, or to terminate debate, and I can assure the gentleman that if he has any remarks of his own on this part

or any other part of the education proposals, I would be happy to assure him that he will have ample time to do it.

I will yield to you for comments, if you desire.

CHAIRMAN POWELL: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I accept the explanation of my distinguished colleague from Owosso, with no comment whatsoever.

MR. BENTLEY: Mr. Chairman, the first paragraph which the secretary has read on the section of higher education deals with the constitutional status of the 10 state supported institutions of higher education which are specifically referred to herein. For a further explanation of this particular section, I yield to the gentleman from Ann Arbor, the chairman of the subcommittee on higher education, Mr. Bonisteel.

CHAIRMAN POWELL: The Chair recognizes Delegate Bonisteel.

MR. BONISTEEL: Mr. Chairman, Chairman Bentley and fellow delegates, I don't think there is too much to be said about section a, which has been read by the secretary. But in order that you might be fully informed, I am going to cite to you that page 475 of the journal contains the language which has just been read by the secretary, and also the other sections which have been described by Chairman Bentley.

The only comment that I care to make at this time on section a would be this: that under the provisions of section a, it requires of these educational institutions that the legislature shall be given an annual accounting of all income and all expenditures by each of these educational institutions. And, if my memory serves me correctly, this is the language which was used by the legislature when it created Wayne State University, and it is the legislative language pertaining to Wayne State University insofar as the accounting is concerned, and the committee unanimously adopted that language.

I think, Mr. Chairman, that that's all I care to say on this section. I would hope that it would be passed. Because I can't see anything in there which would indicate any reason why it should not be.

As to the specific naming of these educational institutions, by tradition they deserve perpetuation, I believe, in the constitution. In addition to that, I would say those people who have contributed so greatly to the establishment of Grand Valley State College, they too should be given a place in the sun, if that's the way we wish to look at it—and that's the way I do look at it.

I would suggest, Mr. Chairman, that this be adopted without further comment, if it's the desire of the delegates.

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I think I should point out, in addition to the remarks of the gentleman from Ann Arbor, that at the request of 2 of the institutions named herein, we have changed their name. The institution at Marquette, Northern Michigan, has been named herein as Northern Michigan University; and the institution at Houghton, the Michigan College of Science and Technology, was designated by that name at the request of the president and the governing board of that particular institution.

Mr. Chairman, I am sure that Mr. Bonisteel and I would be happy to answer any questions with respect to this paragraph. I understand there is a pending amendment at the desk. After answering questions, we will be happy to yield the floor to the offerer of the amendment, for the purpose of offering it.

MR. MARTIN: Mr. Chairman.

CHAIRMAN POWELL: Does Mr. Bentley yield to the gentleman from Grand Rapids?

MR. BENTLEY: I will.

CHAIRMAN POWELL: Delegate Martin.

MR. MARTIN: Mr. Bentley, Mr. Chairman, section a provides in the last sentence, "The legislature shall be given an annual accounting of all income and all expenditures by each of these educational institutions." It provides further over in section b that the control and direction of all expenditures from the institutions' funds shall be in the respective boards.

I don't want to offer an amendment, but I did want to indicate that after some discussion with some members of the

committee, I felt it would be desirable to offer to amend the proposal which we now have pending before the convention with respect to the legislative auditor, to provide that the legislative auditor, if he is approved, shall have the right and authority to make post audits—not pre audits in any sense of the word, or in any sense control of the actual process of expenditure, but post audits—of the financial and fiscal affairs of the institutions. I don't think there is any objection to this, and I only propose it because where the institutions have constitutional status of this sort, there can develop a question as to whether an official of another branch has the authority to make the sort of audits which the legislative auditor will be authorized to do.

I simply state this by way of explanation, hoping that there will be no objection from the committee to this procedure.

MR. BENTLEY: Well, Mr. Chairman, the procedure outlined by the chairman of the committee on executive branch is, so far as I know, satisfactory to the committee on education.

Mr. Chairman, I will be glad to yield to the delegate from Ludington, Mr. Plank.

CHAIRMAN POWELL: Delegate Plank.

MR. PLANK: Mr. Chairman, Mr. Bentley, I'm wondering about the advisability of naming those universities in this section. It seems to me that you might cover not only the ones that exist today, but the ones that might be brought in in the future—the next 50 years or so—if you include them in a phrase but not necessarily list them by their names.

MR. BENTLEY: Mr. Chairman, I would suggest to the delegate from Ludington that he might wish to reserve his comment on this until the pending amendment at the desk is offered since it deals with this particular subject.

Mr. Chairman, before yielding the floor, if there are no further questions, I would like to make a unanimous consent request at this time. Mr. Chairman, I ask unanimous consent that when the distinguished member of our committee, the gentleman from East Lansing, Dr. Hannah, speaks on this proposal, that he be permitted, if he so desires, to speak out of order and speak on either Committee Proposal 98 or Committee Proposal 47, since he will not be able to be with us next week, when we will be considering Committee Proposal 47 on the floor. I ask unanimous consent that when he does address the committee of the whole, that he be able to speak out of order in this fashion.

CHAIRMAN POWELL: Is there objection to the request? If not, it is so ordered.

MR. BENTLEY: Mr. Chairman, I will be glad to yield the floor to the gentleman from Detroit, Mr. Faxon, for the purpose of offering an amendment.

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 1, line 7, after "Sec. a.", by striking out the balance of the line and all of lines 8 through 13 and "by law" in line 14 and inserting "The legislature shall appropriate funds to maintain those institutions of higher education established by law or in this constitution."

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: Mr. Chairman, members of the committee, this is no great burning issue, but it is something which you ought to be able to realize is an alternative to the present committee report. I want it known I supported the present committee report, but this was brought up in the committee, and I was always very delighted when one of the other members of the committee here, Mr. Brake, would tell us about the alternatives that were available. And, in so doing, we at least know that there is an alternative here. Now, the alternative is, namely, whether we feel it is good constitutional practice to name the institutions.

In section b of this proposal we are naming the University of Michigan, Wayne State University and Michigan State University. The question here is, in writing a document that we hope will survive for many decades, and perhaps 50 to 100 years, whether the naming of institutions in some way may date the document, or whether we might better leave this to the matter of specification by the legislature in terms of the names, or not. I realize that in the committee when this came up it was a very close vote, 9 to 8, for leaving the present

sentence. So I want at least the members of the committee of the whole here to be aware of the alternative, and to call to their attention certain items that were brought out with regard to the naming. In the old constitution it says:

The legislature shall maintain the University, the College of Mines, the State Agricultural College, the State Normal College and such state normal schools and other educational institutions as may be established by law.

That of course was back in 1907 and '08. Today we know that the state normal colleges are now universities, the College of Mines is now a college of science and technology, and the State Agricultural College is now a major state university. So in the naming of the schools in the old constitution, we tend to look back at this section as showing what the passage of years does to this particular section.

Now, I would suggest this, and I just toss this out to you for your consideration, it's possible within the next 50 years that new colleges and universities may be established. It's possible that present institutions which are named as colleges may become universities. Is it advisable, realizing the way technology and time changes, to name these institutions and thus, when later colleges or institutions are established, to have them feel that they, too, would want to get into the constitution and get their name in it? Or would we be better off leaving the 3 large institutions named as in section b, and leaving the rest to the establishment of the name by law, and leave it out of the constitution?

This is mainly the question. It just deals with the first sentence. It is no burning issue. They are still provided with their status. The universities themselves have said that they don't mind whether it is in or out; but they were concerned with having their status as constitutional universities. So I simply propose this to the members of the committee for their consideration.

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: Mr. Chairman, in reply to the gentleman from Detroit, I would say that his remarks were substantially correct, with the exception of the last. That was when he said the universities did not mind whether they were specifically named or not. I think I can assure the members of the committee of the whole that the testimony we had from the representatives of the other 7 institutions of higher education indicated they were unanimous in that they wanted to be named in the constitution, for a variety of reasons.

The question of prestige, as the committee on education stated in its accompanying report, was of course present, but there were also important constitutional and legal arguments for specifically naming each of these institutions in the constitutions. And I would like either the gentleman from Ann Arbor, Mr. Bonisteel, or the gentleman from Mount Pleasant, Dr. Anspach, to comment on the constitutional and legal protection that specific reference to these institutions affords them.

CHAIRMAN POWELL: The Chair recognizes Delegate Anspach, of Mount Pleasant.

MR. ANSPACH: Mr. Chairman and members of the committee, I am willing to defer to Mr. Bonisteel, because he is an attorney. It has been said many times on this floor by various delegates that they were not attorneys. I am not an attorney either. But in discussing this matter with several legal authorities, including Mr. Bonisteel, he thinks there is merit in retaining the names in the constitution, from the standpoint of trusts and endowments and gifts which will come to an institution.

This has no bearing upon the constitution but is an illustration. Several years ago in our county a will was probated, leaving some thousands of dollars to the educational institution, but the institution was not named. After some legal procedure and some discussion with the heirs to the estate, it was finally determined by the court that the institution at Mt. Pleasant was the institution named. Now, I know, as I said when I started, this has nothing to do with the constitution particularly, except that it does bear on the point that when a definite name has been given, it does have some legal significance.

From the standpoint of prestige, I know that this perhaps is not a great argument. The one I just mentioned I think is valid, and legal authorities would have to determine whether it is or not. I can't. But I have been so advised. But, from the standpoint of prestige, I know we have an educational system in the state of Michigan which is the envy of many. I'm aware of the fact that many states do not name the institutions of higher education in the constitution. I remind you that Michigan goes back many years, and our educational system is significant.

The University of Michigan is one of the great universities of the world. It is named in the constitution, of course, because it is necessary in determining or specifying how the board of control shall be established. This is true in the cases of the University of Michigan, Michigan State University and Wayne State University, so they are mentioned. The others are not mentioned, as such.

Now, the fact that the University of Michigan has been named in the constitution, while this is not true in many other states, has created a point of envy on the part of those states which have educational institutions that are not so named. I was in another state a week ago and discovered that many of the people there looked with envy to the University of Michigan because of the prestige. There is something about this matter of constitutional mention that seems to give a bit of prestige. The University of Michigan, going way back to the very beginning, has it. I think we would like to be in the company of these individuals at the University of Michigan and others. This matter has been discussed by the various presidents of the colleges and the alumni, and they are very much interested in seeing, as a matter of pride, that their institution be mentioned.

However, all of this goes back to the point, number 1, of legal significance, which I think is a very important point. The other is a matter of feeling, and not a matter of law.

CHAIRMAN POWELL: The question before the committee is the Faxon amendment. Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman, fellow delegates, if there is any one matter that has been brought up to me during the time that I have been a delegate in my return trips home, it has been this matter of constitutional status; this matter of having these colleges — and, of course, up there, Michigan Tech and also Northern Michigan — mentioned in the constitution. The people up there take this very seriously. They are very much in favor of having these colleges named in the constitution; of gaining for these colleges constitutional status.

I would like to urge you to give this support.

As a matter of fact, Michigan Tech was, in effect, named in the Constitution of 1908. In article XI, section 10, it is called the College of Mines. Now, there is only one college of mines, the one at Houghton.

I'm in favor of having them all mentioned; I think without question they all desire this. The testimony has been to this effect. As a matter of fact, at the first of the hearings which we had in the upper peninsula, being in December, it was very obvious that this was a very important matter. I have a desk full of material pertaining to this very thing.

Now, if we were to delete the reference, for example, to the College of Mines, to use a specific example, we would actually be going backwards. Because it is mentioned as that in article XI, section 10.

So again I urge you to support this first section, which includes these institutions in the constitution by name.

CHAIRMAN POWELL: May the Chair comment that it has listed 3 delegates now: Delegates Plank, Wanger and Miss Hart, and sees 2 others rising. The Chair will recognize Delegate Plank.

MR. PLANK: I think I would like to ask a question of Dr. Anspach. It just doesn't seem to me like the reasons he gave are important enough to keep these words in the constitution. There must be something else — and if there is something else, I would like to know what it is. Otherwise I'm going to have to vote against it. Because it just doesn't seem to me that we ought to add those words in there unless there is a good reason for it.

CHAIRMAN POWELL: Possibly these other speakers will bring out these points. If not, we will ask somebody for a definite answer. The Chair will recognize Delegate Wanger.

MR. WANGER: Mr. Chairman —

MR. BENTLEY: Does the gentleman desire to have his question replied to either by Dr. Anspach or myself?

CHAIRMAN POWELL: He did not so specify, and the next person to speak is a very able attorney, so I passed by. I will, however, yield the floor to anyone desiring to make a direct answer to Mr. Plank, if there is such.

MR. PLANK: On the contrary, Mr. Chairman, I did ask Dr. Anspach this question.

CHAIRMAN POWELL: The Chair is sorry; The Chair didn't so construe it. Dr. Anspach.

MR. ANSPACH: Mr. Chairman, Mr. Plank, as far as I'm concerned, I have given you the 2 reasons as I see them. The important one, as I stated when I closed my remarks, number 1, there may be some legal answers here. I can not answer from the standpoint of legal interpretations. From the standpoint of being mentioned, the second is merely a matter of feeling, that's all. So that's the only thing I had.

I'll say this, while I'm speaking. Sections b and c, as far as the constitution is concerned, are much more important than section a.

There is a feeling here, as has been pointed out by Mr. Heideman, and I think Mrs. Butler is asking for the floor, on the part of the institutions for being named in the constitution because there is a tradition for this, and as I said a while ago it may not be a valid reason, but it's a reason. There is a distinction which has grown up over the years since 1835, '36, that period, when the constitution provided for a university. The University of Michigan has been in over this period of years, and this tradition has grown, and there is a prestige that has gone with it. There is a sense of pride from the standpoint of institutions of higher education today. And there is a feeling on the part of the others that they would like to be in their company. That's the only answer I can give you. Plus the one from the standpoint of the legal aspects. Now, that may not be satisfactory to you, but it is satisfactory to me.

We feel the same way about this as you did, sir, about your television industry.

MR. PLANK: I'm glad you brought that up, because I'm going to offer an amendment on second reading to take out all reference to press, radio, and TV, because I don't think they have any place in the constitution. And that's why in this case I feel the same.

CHAIRMAN POWELL: The Chair will recognize Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, it is with the greatest of good will for these educational institutions that I speak in favor of the pending amendment. I have 5 comments to make in support of Mr. Faxon's amendment in this regard.

The first is that it is undoubtedly true that we're going to have many colleges in Michigan, in addition to those which we have at present, and if we list all of the present institutions in the constitution now, it is only right that as soon as those are created, that they be added; and that will in future years, with increasing enrollments, require many additional amendments to the constitution, and I think we ought to try to avoid that.

Secondly, I think by freezing these names into the constitution we are going to create another constitutional problem when those institutions and those who so rightly support them desire to change the name of the organization which they support. Ferris Institute, for example, may at some time desire, quite rightly, to change its name. Some of the other universities which are listed may find that in this very rapidly growing and changing world some other name will better express the meaning and purpose of the institution. And, therefore, additional amendments and the trouble which we know they entail will be required in order to accomplish what I think should rightly be left either to the institution itself or to the legislative enactment governing it.

The third comment which I would like to make is this: that I do not believe that specifically naming these institutions in this section gives them any substantial additional constitutional protection over what Mr. Faxon's amendment would give them. Because, obviously, they would clearly be institutions of higher education under his amendment. It has been suggested, however, that there is sometimes difficulty in the area of the law of trusts caused by the fact that the institution is not named accurately in the will which leaves a testamentary trust. This may at some times be a problem, but I suggest that merely by putting the name in the constitution of the state is not in most cases going to solve this particular problem. Because the name in any case should be widely known to the supporters of the institution, and should be available in the statutes.

My fourth comment is this: it has been stated that many people wish to have all of the institutions of higher education named in the constitution, and that they desire this. Well, I do not believe that the people who are connected with these organizations will base their judgment of the constitution on this issue — on whether or not their names are included in the document.

Finally, I would like to in part echo Mr. Plank's remarks with regard to the question of prestige. I think when we talked about this subject in connection with radio and television media, we used the word "recognition," and actually in a greater or lesser sense the 2 words mean the same thing. I don't think that these educational institutions need to be mentioned in the constitution to preserve or further the great prestige which they have already throughout this state. And I think that the technical difficulties and other difficulties which would be caused by including them would outweigh any imagined additional prestige throughout the citizenry which putting them into the constitution might create.

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

MISS HART: Mr. Chairman, when I came to this convention I determined to try to distinguish between shooting at mice and shooting at elephants. It seems to me that at this particular moment we are shooting at mice. The history of education in the state of Michigan is a proud one. It seems to me that if these institutions that have lived so long in this state are eager to be named in the constitution, we really have no good reason for not sparing them a paragraph.

CHAIRMAN POWELL: The Chair now recognizes Mrs. Butler.

MRS. BUTLER: Mr. Chairman, members of the committee, I rise to support Mr. Heideman's remarks about Michigan College of Science and Technology. This school started out as a mining school, and for many years it had "mining" in its name. At this time it is a misnomer, and our people at the college feel that many students who would enroll in Michigan Tech are misled by the "mining" because it's a very small department now — the smallest.

Michigan Tech is today one of the largest technical schools in the state, and we see no reason why it cannot have constitutional status. It is a school of great dignity, and a school that has served the area and the state and the nation for a long time, and I hope that the delegates will see fit to name Michigan College of Science and Technology in the constitution.

CHAIRMAN POWELL: A few moments ago the committee, by unanimous consent, gave priority to Delegate John Hannah, and the Chair sees he now desires recognition. The Chair recognizes Delegate John Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I don't want to belabor this point, but I would like to speak briefly as chairman of the council of state college presidents, which is the organization that includes all of these institutions that you are talking about. I would be doing less than I should as their chairman if I didn't reiterate the points that have been made by Mr. Bonisteel, Mr. Bentley and Mr. Anspach; that this may seem trivial to some of you, but it's very important to them.

Reference has already been made to the distinguished record of the University of Michigan, one of the great universities of the world, and no small part in making it possible for the

University of Michigan to be what it is was the fact that it was given constitutional status in the first constitution, and that its board of control was a constitutional corporation, co-equal with the legislature. The founding fathers way back in the early days of this state determined that partisan politics and universities and colleges should be separated as widely as possible. And that isn't the issue in this section.

In 1850 it was the constitution that created the institution that I have the honor to preside over. It was the Constitution of 1850 that provided that at the earliest practical moment that institution should be created, and its definition was provided for.

Now, these other institutions have been named in various ways, as have been indicated: the College of Mines, the State Normal College, and other normal colleges. If Mr. Plank or Mr. Faxon or Mr. Wanger are concerned because we are taking too much space in the constitution, if they will compare the total number of words in the document that is before you with the total number of words in the present constitution, they will find that by combining the descriptive words for the University of Michigan, Michigan State and Wayne State dealing with all 3 of them in single paragraphs, the total will be shorter.

It means much to these institutions. And, gentlemen, I think there is no reasoning on the other side that is equal to the importance that this has in their eyes.

I can't believe that Mr. Faxon is very serious about his feeling. I can't believe Mr. Wanger is. I just think there are so many more important things for us to take our time with that I hope you will approve the committee report as it is before you.

CHAIRMAN POWELL: The Chair is going to grant another delegate recognition out of order. The Chair thinks he has a smile on his face. Delegate Leslie Richards.

MR. L. W. RICHARDS: I was going to ask, Mr. Chairman, for a point of personal privilege. The explanation was made as to how you classify under that, and I think today I have the right classification to make these comments. You may have noticed that a page walked in here just now and he was carrying a cake with 16 candles on that cake.

We do realize that as we sit here as a group, oftentimes our feelings do get a little disturbed and we have a little animosity toward each other. But also we recognize the fact that after we do leave this convention the friendships and fellowship we have for one another will be greatly appreciated, and there are occasions I think that in our lifetime we value very, very highly.

Today one of our very fine delegates whom I have become acquainted with and whom I respect very highly — and I think you will all agree with me — is celebrating her birthday, Miss Marjorie McGowan. (applause).

[Delegates joined in singing "Happy Birthday" to Miss McGowan.]

CHAIRMAN POWELL: Delegate McGowan.

MISS MCGOWAN: Mr. Chairman and fellow delegates, I'm very grateful to you for your kindness, and thank you very much.

CHAIRMAN POWELL: Delegate Bentley, did you seek recognition?

MR. BENTLEY: Merely to reemphasize and reecho what has already been said by the committee of the whole on this subject by such distinguished speakers as Dr. Hannah, Dr. Anspach, Miss Hart, Mr. Heideman, Mrs. Butler, and the others who have been moved to speak in support of the committee proposal.

I ask for the defeat of the pending amendment.

CHAIRMAN POWELL: A while ago the Chair thought possibly Delegate Everett wished to speak. Do you now?

MR. EVERETT: Mr. Chairman, I want to rise to support Mr. Faxon's amendment. I'm not without pride for our colleges. I attended Michigan State. I have a son who is attending Michigan Tech.

I do think there might be some possible fault, however, if we name these, and I think Mr. Heideman has illustrated it.

Back in the Constitution of 1908 this was the College of Mining. Now it is not. We propose to put another name on it, and possibly that name will change. I don't think this is a serious difficulty, but I think maybe in yielding to local pride we may have saddled some of these schools with names which will change when the constitution won't change, and I think Mr. Faxon's suggestion is a better one.

CHAIRMAN POWELL: The Chair recognizes Delegate Lawrence.

MR. LAWRENCE: I've been rushing around, and didn't hear all the debate, except on the loudspeaker. I would like to add this, however. Of course, I'm very interested in Eastern Michigan University. I recall that during the depression, when funds were scarce, when teachers were looking for work, and the enrollment was falling off, there was a lot of discussion about the possibility of closing then the Michigan State Normal College, now Eastern Michigan University.

And, if my memory serves me right, the discussion about closing it stopped when they found out that the constitution provided for that institution. Since that time, of course, the wisdom of keeping it open has been amply demonstrated.

But there was a real possibility at that time that Michigan State Normal would have been closed by the action of the legislature had it not been in the constitution. Coming from Ypsilanti and having attended the school, I urge you to keep its name in the constitution.

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

MISS DONNELLY: I would simply like to state that in my opinion it is not the inclusion in this constitution that has made the universities which we have discussed great. They did this in spite of this. I believe they will continue to do so. I believe that the statement that the inclusion of these names will aid them legally is obviously incorrect. Michigan College of Mines would have inherited whatever it got under whichever name Mr. Heideman called it, or Mrs. Butler called it, for it was named years ago, and reached its greatness under that term.

This inclusion to me is unnecessary. Under the argument, these great colleges and universities exist, and we have also put in a brand new one. We don't know if it is going to be great or not. We certainly hope so, but these words will not do it. I support Mr. Faxon's amendment.

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

MR. IVERSON: Mr. Chairman, I wonder if I might ask the chairman of the committee a question. I wonder if the committee gave any thought to some language which might permit the change of the name of a university already mentioned in the constitution without the necessity of changing the constitution itself?

MR. BENTLEY: In reply to the gentleman from Detroit, Mr. Chairman, I might say that the committee did consider this possibility, but was unable to resolve satisfactorily any constitutional language which would so permit a change.

CHAIRMAN POWELL: Mr. Bonisteel, did you desire to answer that question?

MR. BONISTEEL: Yes. I started to answer it because, Mr. Chairman, Chairman Bentley probably will remember that I had discussed with him the question a day or two ago of a potential amendment which we might wish to introduce — we are not sure yet. It is not only in connection with this, but it is in connection with some other items which have been suggested to the committee.

CHAIRMAN POWELL: Delegate Wanger has been seeking recognition. Delegate Wanger.

MR. WANGER: I have just 2 brief points, Mr. Chairman. The first is this: the university in East Lansing, now Michigan State University, and the University of Michigan, as well, did not become great because their names were mentioned in the constitution, but rather because they were given powers and immunity in the constitution. That's a great difference. Under Mr. Faxon's amendment the powers and immunities given by this constitution to these educational institutions are preserved. It is only their names which are specifically left out.

Now, my second comment is more in the nature of a question, and it is this: do I understand correctly from the debate that the names of these universities or institutes as they are listed in section a are not in every case the same names which those institutions have at the present time? In other words, is there a change of a name of any institution which is incorporated into section a?

MR. BENTLEY: Mr. Chairman, if the gentleman will yield for a reply, that is correct. As I pointed out, we have made at the request of the 2 institutions concerned the changes in the names of the institutions at Marquette and Houghton.

CHAIRMAN POWELL: There are 2 or 3 things going through the Chair's mind right now. May the Chair say them casually, and then we will proceed. One is that Delegate Mrs. Butler is standing, desiring recognition, and I imagine she will not speak very long. Another thing that is going through my mind is that the hour has arrived when, normally, in an average day we would take a recess. But today we got started late, and it's Friday afternoon, so unless there's a request, I am not assuming that we'll have a recess.

The next thing on my mind is that, as we all know, Dr. Hannah will not be with us next week, and we gave him permission to speak not only on this proposal, but on a later proposal from the committee on education. And I think before too long we should hear him, because I see we are continually losing delegates here. They are picking up their dolls and departing, and so on.

May I call on Delegate Mrs. Butler.

MRS. BUTLER: It won't take me but a minute. I just wanted to say that not only the board of control and the faculty at Michigan Tech, but a large number of the alumni have requested this change in constitutional status. We in the upper peninsula are very anxious for it, and feel that our college deserves it.

CHAIRMAN POWELL: Delegate Theodore Brown, do you wish recognition?

MR. T. S. BROWN: Yes, sir. As a member of the education committee, I thought perhaps at this juncture we could synopsize what has gone on to date. Actually, in law, there is no reason for the maintenance of the names as the committee report would indicate, because, as has already been mentioned, those powers from whence the universities derive their protection are enumerated in the Faxon amendment. It's simply a question of nostalgia. Our committee is rather nostalgic, as opposed to some other committees, and perhaps this was their predisposition.

It reminds me of the comment that I made during the debate on this matter, in which I said: "if you had 2 statements: (1) President Nisbet, Ted Brown and other delegates will receive a paycheck on the thirtieth of this month; and (2) President Nisbet and other delegates will receive a paycheck on the thirtieth of this month; and you asked me which statement I preferred, I would naturally say I preferred the first one. I think the matter is just about that simple.

CHAIRMAN POWELL: The Chair is wondering if we have exhausted the argument. Are we ready to vote on this? The question is on the Faxon amendment. You are all clear on the content of it. As many as are in favor of it signify by saying aye. Opposed, say no.

The amendment is not adopted.

MR. HODGES: Division.

CHAIRMAN POWELL: There is a request for a division. Is the demand for a division supported? It is. Those in favor of the Faxon amendment vote aye. Those opposed, vote no. Has everyone now voted that desires to vote? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Faxon, the yeas are 24, and the nays are 68.

CHAIRMAN POWELL: The amendment is not adopted.

In harmony with our action taken earlier in the afternoon, the Chair is going to call on Delegate John Hannah for any remarks that he might have relative to this or other proposals.

The Chair will recognize Chairman Bentley.

MR. BENTLEY: Mr. Chairman, I was going to suggest—and this is entirely at the discretion of Dr. Hannah, of course

—that I think it would be more appropriate if he should speak after we have read section b of the proposal, which specifically refers to the institution which he so ably heads.

CHAIRMAN POWELL: Is that agreeable, Dr. Hannah?

Then if there are no further amendments, this section will pass.

Section a is passed. The secretary will proceed with the reading of section b.

SECRETARY CHASE: Section b.

[Section b was read by the secretary. For text, see above, page 1135.]

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: Mr. Chairman, in section b, in which we have combined the existing sections of the present constitution into one section relating specifically to those institutions sometimes known as the "big 3," the University of Michigan, Michigan State University and Wayne State University, we have only made 2 noteworthy changes from the present constitutional language. We have enlarged the governing boards of Michigan State University and Wayne State University from 6 to 8 members, and given them 8 year terms, to correspond with the number of the regents of the University of Michigan. We have secondly provided that any vacancies in those governing boards shall be filled by law, instead of, as now, by gubernatorial appointment.

At this time, Mr. Chairman, I would like to yield to the delegate from Ann Arbor, Mr. Bonisteel, who has 3 minor amendments to offer to this particular section. I would ask that they be read and considered en bloc, and then I think it would be appropriate at this time, as I said earlier, to hear from the delegate from East Lansing, Dr. Hannah.

CHAIRMAN POWELL: The Chair recognizes Delegate Bonisteel.

MR. BONISTEEL: Mr. Chairman, if you will note, on page 1, line 20, after the words "Michigan State University," striking out the words "of Agriculture and Applied Science." That's on page 1, line 20. On page 2, line 1, after the words "Michigan State University," by striking out the words "of Agriculture and Applied Science." Then, on page 2, line 9, through some mistake, after the word "principal," the word "executive" was left out, and the word "executive" should be in. In other words, the committee is suggesting that section b be amended as stated.

SECRETARY CHASE: Mr. Bonisteel offers the following amendment:

1. 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".

CHAIRMAN POWELL: The question is on the amendment. Dr. Hannah has been recognized.

MR. J. A. HANNAH: Mr. Chairman and gentlemen, I appreciate the great courtesy of the committee, and I'm afraid that you have been misled, because I have no speech to make at this time. I would like to speak in favor of this section, and then take the opportunity to speak very briefly on the state board of education that you are going to have before you on Monday when you consider Committee Proposal 47.

Now, the proposal that is now before you, this section b, with the exceptions that have already been noted, is essentially what you have in the present constitution. The board of trustees of Michigan State is increased from 6 to 8, and the board of governors of Wayne State University is increased from 6 to 8. There was no division in the committee. There isn't any question but there is gain if the boards in control of these institutions have considerable stability. And it was in an effort to bring together the 3 institutions so they could be treated equally that we moved in the direction of putting them all at 8. The board of regents of the University of Michigan now has 8 members for 8 year terms, and the other 2 have 6 members for 6 year terms.

Now, I know there have been some questions raised in the minds of some delegates with reference to this matter of elect-

Therefore, I believe that experience having produced the end result which we see here in higher education in Michigan, I can see no reason now to change it insofar as the institutions are concerned, and I would ask those who are here to give great consideration to voting against the proposed amendment.

CHAIRMAN POWELL: In order that there may be no confusion, the Chair is asking the secretary to reread the pending amendment, and then the Chair hopes we can vote thereon.

SECRETARY CHASE: The first amendment is:

[The amendment was again read by the secretary. For text, see above, page 1186.]

CHAIRMAN POWELL: Those in favor of this amendment signify by saying aye. Opposed, no.

The amendment is not adopted. The secretary will read the second amendment.

SECRETARY CHASE: The second amendment offered by Mr. Norris is:

1. 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."

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

A DELEGATE: Division.

CHAIRMAN POWELL: Division is requested. Is the demand supported?

SECRETARY CHASE: A sufficient number.

CHAIRMAN POWELL: A sufficient number up. We will now vote by the electric voting machine. Those in favor will vote aye. Opposed, no. Sixty seconds having elapsed, the secretary will lock the machine and tally the vote. The secretary will announce the result of the voting.

SECRETARY CHASE: On amendment 2 offered by Mr. Norris, the yeas are 60, the nays are 57.

CHAIRMAN POWELL: Sixty to 57. The amendment is adopted. Are there any further amendments on the secretary's desk?

SECRETARY CHASE: Mr. White offers the following amendment:

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

CHAIRMAN POWELL: The gentleman from St. Johns, Delegate White.

MR. BENTLEY: Mr. Chairman, a parliamentary inquiry. This amendment is confined to section a. Section a having been passed, is this amendment in order at this time?

CHAIRMAN POWELL: Yes, it was our understanding that after we had taken them up section by section, we would go back and have amendments to the body of the committee proposal.

MR. BENTLEY: That is just the point I am making; it is not to the body of the proposal. It is confined to section a.

CHAIRMAN POWELL: It is to one of the sections of the committee proposal, which the Chair understood was to be permitted after we had gone through the various individual sections. It is the Chair's understanding it is in order. Delegate White.

MR. WHITE: Actually, I think this amendment is self explanatory. Meetings of governing boards of the 3 major universities have been open to the public and news media only for the past ½ dozen years and that has been accomplished only after a long period of negotiations. As it stands, the public and news media are present only as a matter of sufferance. They are invited guests of the governing board, an invitation which could be, conceivably, withdrawn at any time. It seems to me that now that we are creating by constitutional enactment 7 more such governing boards, it would be appropriate that their formal meetings should be conducted in public sessions.

I would urge your support of this amendment.

CHAIRMAN POWELL: The Chair will recognize the gentleman from Detroit, Delegate Downs.

MR. DOWNS: I would like to speak very strongly in favor of Delegate Ink White's amendment. I believe that the boards should be open to the public as a matter of constitutional right. They are public business. The only possibility might be adding some clauses as we did in the legislative, unless public security demands otherwise, and I cannot see that contingency.

I hope my good friend, Delegate White, will cosponsor a proposition that we make the same principle applicable to boards of supervisors when that is in order. (laughter)

CHAIRMAN POWELL: The gentleman from Detroit, Delegate Madar.

MR. MADAR: I just wanted to say that I am positive now that my trust has not been misplaced. Thanks, Mr. White.

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

The ayes have it. The amendment is adopted. Are there any further amendments to the body of this committee proposal?

SECRETARY CHASE: Messrs. Pollock and DeVries offer the following amendment:

1. Amend page 3, line 1, after "which shall be" by striking out "operated" and inserting "supervised and controlled"; so that the first sentence will read, going back to page 2, line 29:

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.

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

MR. DEVRIES: Mr. Chairman and ladies and gentlemen of the committee, Dr. Pollock and I discussed this amendment with Mr. Bentley and Mr. Sleder. They agreed to it. All it does is change the word "operate" to the words "supervise and control." We thought the word "operate" connotes daily administration and that the words "supervise and control" spell out that the boards' function is basically policymaking and not administration.

MR. BENTLEY: Mr. Chairman.

CHAIRMAN POWELL: Chairman Bentley.

MR. BENTLEY: In view of the great distinction enjoyed by the gentleman from Grand Rapids and the gentleman from Ann Arbor, and that I believe that this does contribute, my conviction is that this does contribute to a better understanding of the proposal, the committee on education has no objection.

CHAIRMAN POWELL: The question is on this pending amendment by Doctors Pollock and DeVries. All in favor signify by saying aye. Opposed, no.

The ayes have it and the amendment is adopted.

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 2, line 26, after "governor" by striking out the remainder of the sentence and inserting "with the advice and consent of the state board of education."; so that the language will read, beginning on line 24:

Each board of control 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 state board of education.

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: Mr. Chairman and fellow delegates, we have had considerable discussion over the question of appointments without any check upon the power of appointment. I offer this as one of the methods that have been considered and not acted upon favorably by the committee. But it was considered, and I feel that the members of this committee ought to at least be aware of this possible alternative to appointments.

It has been pointed out that educational boards are different from regular executive functions of the governor and, as such, it would be in keeping with their difference to indicate this by giving the power of the advice and consent over to a statewide

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."

And a third 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 "with the advice and consent of a select committee of the senate composed of 10 members, 5 selected by the majority members and 5 selected by the minority members."

I might add that Mr. Faxon has submitted an amendment, and the minority report is submitted as an amendment, and Mr. Ford has offered an amendment.

MR. BENTLEY: Mr. President, may I—I wonder if the gentleman would yield to me. I would like to ask him if he intends, if he and Miss Hart intend to offer their amendments in order and they intend to offer each one in order regardless of what may have happened to the others.

MR. DOWNS: These are so designed that if one of them should pass, the others will be withdrawn. It would save the time of the convention to pass any 1 of the 3. (laughter) If the chairman would indicate which 1 he is supporting, I would be glad to withdraw the other 2.

I would suggest, Mr. President, if it is in order, that I move consideration of these amendments be postponed until tomorrow.

VICE PRESIDENT HUTCHINSON: Mr. Downs moves that further consideration of Committee Proposal 98 be postponed until tomorrow. All those in favor will say aye. Those opposed say no.

The motion prevails and it is so ordered.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President, I am wondering if it would be possible for the proposers of these amendments to have them reproduced and on our desks tomorrow morning at 9:30.

VICE PRESIDENT HUTCHINSON: The proposers of the amendments are requested so to do, to assist the work of the convention.

Without objection, we will return to the order of **motions and resolutions**. I hear none.

SECRETARY CHASE: Miss Hart and Mr. Downs offer **Resolution 77**, A resolution requesting information relative to division of the proposed constitution.

Following is Resolution 77 as offered:

Whereas, Indications are that many parts of the proposed constitution will be noncontroversial and supported by the overwhelming majority of the people of Michigan; and

Whereas, There are indications that other portions may be of a controversial nature; and

Whereas, New York state, in presenting its new constitution, satisfactorily did so in a noncontroversial pack-

age, with specific votes on separate controversial items; now therefore be it

Resolved, That this convention ask the committee on style and drafting to consider the advisability of making a similar division of the document coming from this convention, and the convention also requests the aid of the attorney general for an opinion as to how this can best be done, if the convention so desires; and be it further

Resolved, That this resolution shall not be construed to commit the convention as to the method of presentation, but is for information only.

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

Announcements.

SECRETARY CHASE: The committee on style and drafting will meet in room K this evening at 7:30. Edward Hutchinson, vice chairman.

We have 1 request for leave of absence: Mr. Norris requests to be excused from the morning session of Wednesday and the morning session of Friday.

VICE PRESIDENT HUTCHINSON: Without objection, the request of Mr. Norris will be granted. The Chair hears no objection and it is so granted.

Mr. Lawrence.

MR. LAWRENCE: Mr. President, I notice that in spite of the rather eloquent plea that I made yesterday, discrimination still exists in the convention; so at this time I am wondering if somebody would lend me a screwdriver and maybe I can just do a little self help. (laughter)

VICE PRESIDENT HUTCHINSON: The secretary will make 1 further announcement.

SECRETARY CHASE: The committee on administration will meet tomorrow, Wednesday, at 1:30. Walter DeVries, chairman.

VICE PRESIDENT HUTCHINSON: Mr. DeVries.

MR. DeVRIES: The committee on administration will consider Mr. Lawrence's request for a screwdriver tomorrow at 1:30. (laughter)

VICE PRESIDENT HUTCHINSON: What is the pleasure of the convention? The Chair recognizes the delegate from the ninth district, Mr. Knirk.

MR. KNIRK: Mr. President, I move we adjourn.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of the gentleman from the ninth district that the convention shall 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.

[Whereupon, at 5:35 o'clock p.m., the convention adjourned until 9:30 o'clock a.m. Wednesday, February 21, 1962.]

MR. LEIBRAND: Mr. President, may we have the original resolution read? This is an amendment and I don't know what it is amending.

VICE PRESIDENT HUTCHINSON: The secretary will read the original resolution.

SECRETARY CHASE: The original resolution, Resolution 45, was amended on December 6. You will find it in the journal of December 6, and the resolution as adopted by the convention provided as follows:

Resolution 45, A resolution to provide a schedule for completing the work of the convention by March 31, 1962.

Resolved, That:

1. All public hearing by substantive committees shall be completed on or before December 21, 1961, unless otherwise authorized by the convention. This shall not preclude a committee from hearing witnesses invited by the committee.

2. All substantive committee hearings on delegate proposals shall be completed on or before January 5, 1962.

3. All substantive committee proposals and supporting reports shall be submitted to the convention and placed on general orders in accordance with rule 57, paragraph 2, on or before January 31, 1962.

4. The committee of the whole shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 4, on or before February 21, 1962.

5. The committee on style and drafting shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 5, on or before March 2, 1962.

6. Second reading of all committee proposals shall be completed on or before March 9, 1962.

7. The final report of the committee on style and drafting shall be made in accordance with rule 57, paragraph 8, on or before March 23, 1962.

8. The convention shall finally adjourn on or before March 31, 1962.

The amendments proposed by the committee on rules and resolutions to Resolution 75, would amend Resolution 45 as follows:

Amend paragraph 4 of Resolution 45 to read:

The committee of the whole shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 4, on or before March 7, 1962.

Paragraph 5:

The committee on style and drafting shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 5, on or before March 9, 1962.

Paragraph 6:

Second reading of all committee proposals shall be completed on or before March 16, 1962.

VICE PRESIDENT HUTCHINSON: The question being upon the amendment offered by the committee on rules and resolutions to Resolution 75, the Chair recognizes the chairman of that committee, Mr. Van Dusen.

MR. VANDUSEN: Mr. President, the amendment would simply correct an omission when the resolution was prepared and provide for orderly sequence. I would suggest that we adopt the amendment and then discuss the entire resolution.

VICE PRESIDENT HUTCHINSON: The question being upon the committee amendment, all those in favor will say aye. Opposed will say no.

The amendment is adopted. The question now being upon the adoption of the resolution as amended, the Chair recognizes the chairman of the committee, Mr. Van Dusen.

MR. VANDUSEN: Mr. President, Resolution 45, which this resolution would amend, provides that today is the last day for the completion of the work of the committee of the whole. Obviously the committee of the whole is not going to complete its work today, and frankly we can't tell when the committee of the whole is going to complete its work. The committee on rules and resolutions believes that the best

means of dealing with the situation at the moment, on an interim basis, is simply to make those reasonable adjustments in the schedule which will give us 2 more weeks, at the moment, for the completion of the work of the committee of the whole. If the work of the committee of the whole is completed within that period—as I hope it may be—we probably then should take another look at the entire schedule to see how realistic it looks in the light of our work at that point.

This is purely an interim device for dealing with the problem with which we are now confronted. It is the only alternative, as I see it, to either throwing out the schedule completely or making a total readjustment of it. The committee on rules and resolutions didn't feel that we should throw out the schedule completely, and did not feel that we should, at this point, attempt a total readjustment of it. The resolution has the unanimous support of the committee on rules and resolutions.

VICE PRESIDENT HUTCHINSON: On the resolution, as amended, the Chair recognizes Judge Leibrand.

MR. LEIBRAND: Mr. President, may I make an inquiry of the chairman of the committee on rules and resolutions? I find on my desk this morning a convention calendar labeled, Order of Second Reading. Has there been any decision in the committee on rules and resolutions as to the date when second readings will begin?

MR. VANDUSEN: Mr. President and Judge Leibrand, your resolution is pending before us and we will meet to consider it before making the decision which you suggest. At this moment, the order of second reading has been passed for this week. I think there is some general consensus that it may be desirable to complete the order of work in the committee of the whole before commencing on second reading. No final determination has been made, and none will be made until you are given an opportunity to be heard on your resolution by our committee.

MR. LEIBRAND: Thank you, sir. I believe my resolution is to that effect: that is, we complete the work of the committee of the whole before we start the second reading. Thank you.

VICE PRESIDENT HUTCHINSON: The question being upon the resolution as amended, all those in favor will say aye. Opposed will say no.

Resolution 75, as amended, is adopted.

Following is Resolution 75 as amended and adopted:

A resolution to amend Resolution 45.

Resolved, That Resolution 45 be amended as follows:

(1) Amend section 4 by striking out "February 21" and inserting "March 7".

(2) Amend section 5 by striking out "March 2" and inserting "March 9".

(3) Amend section 6 by striking out "March 9" and inserting "March 16".

Reports of select committees.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar for today.

VICE PRESIDENT HUTCHINSON: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar for today.

VICE PRESIDENT HUTCHINSON: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

VICE PRESIDENT HUTCHINSON: **Unfinished business.**

SECRETARY CHASE: Under the order of unfinished business, the president lays before the convention the report of the committee of the whole of yesterday, the balance of which was postponed until today. The item under consideration is **Committee Proposal 98**, A proposal pertaining to the educational institutions of the state. The amendments recommended

Brake	Howes	Sablich
Buback	Iverson	Sharpe
Butler, Mrs.	Kelsey	Sleder
Danhof	Kirk, S.	Snyder
Davis	Knirk, B.	Spitler
DeVries	Koeze, Mrs.	Stafseth
Donnelly, Miss	Leibbrand	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, Leibbrand, 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,

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 convention **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 Proposal 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 re-submitted 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

For Committee Proposal 31 as rereferred to the committee on style and drafting, see above, page 2560.

MR. BENTLEY: Mr. President, I at this time move that Committee Proposal 47 be placed at the foot of the calendar on the education proposals and that we now proceed to take up Committee Proposal 98.

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

The motion prevails. The secretary will read Committee Proposal 98.

SECRETARY CHASE: **Committee Proposal 98**, A proposal pertaining to the educational institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI.

Following is Committee Proposal 98 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1206.):

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] MICHIGAN COLLEGE OF SCIENCE AND TECHNOLOGY, [Western] CENTRAL Michigan University, Northern Michigan University, [Michigan College of Science and Technology] WESTERN MICHIGAN UNIVERSITY, 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] THESE 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[, AND be [an] ex officio A 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] EACH appointee shall hold office until a successor has been nominated and elected as prescribed by law.

Sec. c. Other institutions of higher education [created] ESTABLISHED by [the legislature] 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 shall, as often as necessary, elect a president of the institution under its supervision who shall be the principal executive officer of the institution[, AND be [an] ex officio A 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 THE SAME [a] manner [similar to other] AS executive appointments [as] ARE 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[, AND 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] SHALL be [an] ex officio A member of this board without the right to vote.

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, the committee on education has reviewed the changes made in Committee Proposal 98 by the committee on style and drafting. They appear to be entirely of a perfecting nature. We see no serious objections to any of them and would recommend the adoption of Committee Proposal 98 unchanged. I understand there are 2 amendments to section d, the section pertaining to community and junior colleges. I would suggest that those amendments be taken up at this time, Mr. President.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Mrs. Conklin, Messrs. Kuhn, T. S. Brown and Faxon offer the following amendment:

1. Amend page 3, line 3, [section d] after "boards.", by striking out the balance of the section and inserting "The state board of education may provide for a state board for public community and junior colleges."

MR. BENTLEY: Mr. President, parliamentary inquiry. Both of the pending amendments, of which the sponsors are the same, are to delete the balance of section d. In one amendment there is additional language to be added, the other amendment adds no new language. I am wondering which the proponents of the amendments would prefer to have discussed first.

PRESIDENT NISBET: Mrs. Conklin.

MR. KUHN: Mr. President.

PRESIDENT NISBET: Excuse me, Mr. Kuhn. Under the normal procedure, the amendment to strike out is discussed first.

MR. KUHN: That is the one we wanted to discuss first. We were hoping to discuss the other one first. It doesn't make any difference.

PRESIDENT NISBET: Okay, discuss the other one first.

SECRETARY CHASE: Well then, the secretary understands that the amendment the proponents wish to have offered first is as follows:

1. Amend page 3, line 3, [section d] after "boards.", by striking out the balance of the section.

PRESIDENT NISBET: Mrs. Conklin, do you care to speak?

MRS. CONKLIN: I would prefer, Mr. President, to yield to Mr. Kuhn at this time and speak on the other amendment if this does not carry.

PRESIDENT NISBET: Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, as you know, the junior colleges never before had constitutional status. They came to us and asked for 3 things, specifically: 1, they wanted constitutional status; 2, they wanted to be sure that they could elect their boards and that they would have control at the local level. These 2 things we provided them. In fact, they also wanted to have some financial assistance by the legislature, and we also have given them that.

The only thing that certain members of our committee were objecting to is this very last thing, and that is a board. We are not against the board. We want to make that very clear, but we are against putting in the constitution a section that will provide that the legislature shall provide a board whose only purpose is to advise another board, and that is the state board of education. To us it is unthinkable to have in the constitution an advisory board merely to advise another board. As I said earlier, we are not against this board but we do not think it should be in the constitution.

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

[The amendment was again read by the secretary. For text, see above, page 2565.]

PRESIDENT NISBET: Those in favor of that amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment, the yeas are 37; the nays are 85.

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

SECRETARY CHASE: Mr. Downs offers the following amendment:

1. Amend page 2, lines 26 and 27, [section c] after "governor" by striking out "in a manner similar to other executive appointments as provided in this constitution".

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, this amendment was prepared from the committee of the whole report rather than from the second reading. There should be a few words changed to meet those technical changes and I would ask permission to have the amendment so corrected.

PRESIDENT NISBET: The secretary will correct the amendment.

SECRETARY CHASE: The corrected amendment is as follows:

1. Amend page 2, line 26, [section c] after "governor" by striking out "in the same manner as executive appointments are provided in this constitution".

MR. DOWNS: The correct amendment has just been prepared. Thank you, Mr. President. This item gets to the matter of advice and consent and, as the delegates will remember — and I believe I am quoting the chairman of the committee correctly — the education committee's report came up before the executive branch proposals and the recommendation was made then that we not discuss this advice and consent part until the executive proposals were acted upon. I acquiesced in that because I know the education committee had much other work to deal with and at that time it might have fuzzed up the discussion. So I think, therefore, we are perfectly in order to go into the advice and consent concept, as it affects the institutions of higher education, at this point.

The amendment, as it now reads, would provide that the board of control of these other institutions — and this would particularly apply to Western, Eastern, Central and Northern — would be established by the governor appointing the members thereof without the advice and consent of the senate. I believe there are 2 primary reasons for supporting the amendment. The first is that we should do everything possible to keep our educational system separated and as independent as possible, to maintain the integrity and the academic freedom. I feel that if these boards are to be appointed, that the governor appointing them without advice and consent does help maintain that integrity and place that responsibility on the governor.

The other point, and I do not mean to get into the apportionment matter directly, but point out that if there is to be an appointment, the governor himself, who makes the appointment, is equally responsible to all the people and is elected on a one man, one vote basis; whereas the minute we inject advice and consent into this concept, whether it is advice and consent by a body that is not represented on a one man, one vote basis, we are then injecting something other than our basic democratic concept into the field of education. In fact, I think it should be pointed out that the present constitution which provides for the state board of education to be administratively responsible, and otherwise, for these institutions is better than the majority committee report as it stands because that board, too, is elected on a one man, one vote basis.

I am very concerned about any step this convention takes to go backward from the basic democratic concepts we have. I know many of us at times do not get everything we believe is desirable in a constitution, and I suppose none of us came to this convention thinking that all of his ideas of what he thought were improvements would be accepted. But I am very concerned about any point that, in my judgment, is a step backwards and I feel that the advice and consent concept can be a step back-

wards to weaken our very strong and historically proven eminent educational system that has done an outstanding job, not only in the nation but in the world, and part of the reason for that outstanding job has been the mechanics of control as well as the peoples' feeling of the importance of education. Thank you.

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, the gentleman from Detroit, Mr. Downs, has of course given accurately the conditions under which this subject was discussed before. We decided at that time to postpone a definite and final decision in this matter until the question of other executive appointments elsewhere in the constitution were decided on. A majority of the committee on education did feel that appointments by the governor of members of these 7 governing boards of institutions of higher education should conform to other executive appointments.

I do hope, Mr. President, we don't enter into discussion of apportionment or the subject of advice and consent. That is a theory which has been adequately dealt with elsewhere in this document. I think it is simply a matter of whether you believe that the principle of advice and consent should apply in the cases of these 7 governing boards, each to have 8 members. A majority of the committee, as I say, felt that they should conform to other executive appointments which, as the convention has acted, do provide for advice and consent of the senate. Therefore we ask for the defeat of the pending amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Faxon.

MR. FAXON: I would like to call for the yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand seconded? Not a sufficient number up. The question now is on the amendment offered by Mr. Downs. Those in favor will say aye. Opposed, no.

The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Wanger, Millard, McLogan, Sharpe, Faxon, Powell and Mrs. Koeze offer the following amendment:

1. Amend page 1, line 3, [section a] after "State University" by striking out "Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, and other institutions of higher education established by law.", and inserting "and all other state institutions of higher education now or hereafter established by law."

PRESIDENT NISBET: The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President and members of the convention, I rise in what I am convinced is the best interest of higher education, to support this amendment. Expressly naming all these state schools in our constitution is presumptuous, inconvenient and discriminatory. It is presumptuous of this convention to freeze the names of these schools into our constitution, for it is not for us to say what their names should be for all time. It is inconvenient because as new colleges are created, as they must be, they must be added by constitutional amendment to the constitution, and also because the names of these present educational institutions will have to be changed as well, and this will require a constitutional amendment which must be voted upon by all of the people, and in all probability will have to be placed upon the ballot by a 2/3 vote of each house of the legislature.

It is discriminatory for this reason: those who spoke in favor, in committee of the whole, of naming all of these institutions expressly in our constitution said they did it mainly for reasons of prestige. It seems to me, and I suggest to you that the private institutions of education are equally deserving of prestige with the state run institutions of higher education, and that to name one, unless legal reasons require it, and not the other is discriminatory on this basis. I will close my remarks by pointing out to you that the language to be inserted in lieu of the language to be stricken gives these institutions the same legal protection which they have under the section as it presently stands.

In light of the above 3 reasons, I urge you to vote in favor of this amendment and I urge you to think that in light of those

reasons, we are not, by naming our schools in the constitution, bringing home the bacon to alma mater. We are, rather, bringing, in the long run, nothing but grief. When I went to school one of the fundamental principles which I somehow absorbed was the principle which was very well stated many years ago regarding prestige and name. It is simply this: a rose, by any other name, would smell as sweet.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, I have an amendment which was to follow this which I think would take care of the objections which Mr. Wanger makes, and that is simply to add — it relates to what he has proposed, provides that the name of any institution of higher learning may be changed by the legislature upon the recommendation of its governing board. I don't know whether it would be in order, but I think it would save time if the amendment which I propose would be put in now or offered as a substitute for the Wanger amendment. I think it would take in all the objections he raises without at the same time taking all these names out, which I understand are wanted by the universities. May I ask the president if it is in order to put my amendment in as a substitute for the Wanger amendment?

PRESIDENT NISBET: The Chair doubts it. They are quite different in substance, Mr. Allen.

MR. ALLEN: Well then, may I say I would oppose the Wanger amendment because this matter of freezing the names in the constitution may be corrected by the amendment which I will offer and it does not do the harm of taking the names out of the constitution, which I understand the various universities very much oppose.

PRESIDENT NISBET: Mrs. Butler.

MRS. BUTLER: Mr. President, fellow delegates, I rise to oppose this amendment. It may be presumptuous, discriminatory, inconvenient. We may be seeking prestige, and I hope we do get a little prestige. As far as I am concerned, I am tremendously interested in the Michigan College of Mining and Technology. There would be disappointment among a great group of alumni and of everyone in our county, and I certainly oppose this amendment. I want to say that Mr. Wanger talks about bringing home the bacon; all those big words he uses are a lot of baloney. (laughter and applause)

PRESIDENT NISBET: The Chair recognizes Mr. Bonisteel.

MR. BONISTEEL: Mr. President and fellow delegates, I did not know that Mr. Allen was going to stand up and make a statement regarding the amendment that he proposed as a substitute. I am for the idea as submitted by Delegate Allen, and would oppose the present amendment.

PRESIDENT NISBET: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, naturally, as one of the sponsors of the pending amendment, I rise to support it. I think Delegate Wanger did an exceptionally concise and factual job in presenting the arguments for it. I will not go over that ground.

I do question the amendment that I understand Delegate Allen would like to submit as a substitute or to follow this. Personally, I am very dubious about a proposition whereby it is suggested that the legislature might amend the constitution. That is, here we have some language going into the constitution. Then he suggests that the legislature might from time to time adjust that phraseology as they should see fit, upon recommendation of these governing boards. I doubt very much if you can change anything in the constitution by any such hokus pokus as this, so I suggest we go ahead and adopt this amendment that is before us and get this whole proposal adopted and go to lunch.

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, members of the convention, I rise to urge you to defeat the amendment that is before you. I see no reason why anyone should become concerned because Western Michigan University or Central Michigan or Eastern Michigan or what was the Michigan College of Mining and Technology — now they have a new name and have become sizable institutions and important not only to the community but important to the state, important to this nation. This proposal that we have before us gives these institutions some of the same constitutional status and protection that have made it possible

for the University of Michigan and Michigan State University to become the great universities that they have, and the same status was given to Wayne a few years ago by constitutional amendment when it came into the state system.

All the language — all you would accomplish if you were to adopt this amendment is, you would take some words out of the constitution that would greatly discourage this very important segment of higher education in the state. Western and Eastern and Northern and Central and the rest are going to become larger. They are going to become better. You gain nothing, excepting you shorten the constitution by a little. I have heard no argument that is very good for adopting this amendment and, again speaking to you on behalf of all of the institutions of higher education in this state, I urge you to defeat the amendment and to approve the language that has been approved by the committee and has been approved by this convention on first reading.

PRESIDENT NISBET: Mr. Upton.

MR. UPTON: Mr. President and fellow delegates, I would rise to support this amendment. In the model state constitution they recommend that names not be incorporated in the constitution. We have recognized the 3 major universities of our state for they have a different setup in the election of boards. The boards of these institutions that we are suggesting to strike out are not elected by the people. They are appointed by the governor. Therefore, I would suggest that we support this amendment and I would ask for a division.

PRESIDENT NISBET: Division has been requested. Is that demand seconded? Sufficient number up. Those in favor of the amendment of Mr. Wanger and so forth will vote aye.

MR. WANGER: Mr. President.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: I just wish to make a comment about Mr. Allen's amendment, because, since he brought it up, it is obviously a matter of consideration on this vote. That is this: it is going to do one of two things: one, it is going to create confusion for the very simple reason that if he provides that the legislature —

MR. BENTLEY: Point of order, Mr. President. The amendment is not before us.

PRESIDENT NISBET: Mr. Wanger, the other amendment is not before us at the present time.

MR. WANGER: Well, Mr. President, you allowed him to describe exactly what it did. Everybody is voting on that basis. It is unfair —

PRESIDENT NISBET: The amendment is not before us. You can discuss that when it comes up.

MR. WANGER: Well, Mr. President, that is discriminatory. (laughter)

PRESIDENT NISBET: The question is on the amendment offered now. Those in favor will vote aye. Those opposed will vote no. The question is on the Wanger amendment. 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. Wanger and others, the yeas are 36; the nays are 86.

PRESIDENT NISBET: The amendment is not adopted. We have one more amendment to this. The Chair feels we can finish it before lunch. Mr. Chase will read the amendment.

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend page 1, line 12, [section a] after "public.", by inserting "The name of any institution of higher learning may be changed by the legislature upon recommendation of its governing board."

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, this is to take care of the objection which would come in case one of the named institutions of higher learning wished to have its name changed. In the absence of anything being added, it would, as Mr. Wanger pointed out, require an amendment to the constitution. So this simply provides that it may be done by the legislature, but as a protection, so that the legislature would not capriciously make a change of name, it could only be done upon a recommendation of the governing board of the institution which is involved. I think in

a very short way this permits the flexibility which we all want, and it protects the school because it would be — it would make necessary a favorable recommendation from the governing board and, Mr. President, may I yield to Mr. Bentley who is the chairman of this committee for his comments on this?

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I have not discussed this amendment with members of the education committee, but speaking individually I think it is a good amendment and I can see nothing wrong with it. It would certainly be a valuable assistance to these institutions in the future if they should wish to change their status, and could do so by simple legislative action, as the Allen amendment would provide. Personally speaking, I urge the adoption of the amendment.

MR. WANGER: Mr. President.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: The language in its form would clearly create confusion. It authorizes the legislature, of course on recommendation of the board, to change the name. However, the constitution and the wording of the name in the constitution remains exactly as it is. This is clearly going to create a great deal of confusion. When someone wants to find out what the name of their school is, they are going to have to look through the statutes, because if they look in the constitution itself the name will be wrong.

PRESIDENT NISBET: Dr. Anspach.

MR. ANSPACH: Mr. President and delegates of the convention, Chairman Bentley covered my points. I merely rise, therefore, in support of this proposed amendment.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, I would like to ask Mr. Allen a question and then I would like to comment.

PRESIDENT NISBET: You may proceed.

MR. FAXON: Mr. Allen, what happens if the legislature creates an institution of higher education? Does this mean that by action of the legislature they can then put this new institution's name into the constitution through recommendation of the governing board?

MR. ALLEN: No, I wouldn't think so, Mr. Faxon. The only names that would be in the constitution are these names.

MR. FAXON: Well then, Mr. President, as I understand it, this affects the present naming of those schools that are now in there, and I don't see that there is any need for this at all. The thing we are partially concerned with is where there would be new institutions created that would want to have equal recognition along with the others, and furthermore, I think that this would be inconsistent with our other actions in the constitution, to permit a constitution change to be made by action of the legislature. I am not an expert on it but it just seems to me it would be inconsistent with previous positions.

PRESIDENT NISBET: The Chair recognizes Mr. Prettie.

MR. PRETTIE: Mr. President and fellow delegates, I rise to oppose the Allen amendment for the reason that Mr. Faxon has just stated, that I think it would be highly inconsistent to permit our legislature to amend our constitution. We have expressed ourselves as wanting the names of these institutions in the constitution, but we have also, I think, indicated that we do not wish them frozen. Taking a page from Mr. Allen's book, I have an amendment that simply provides that by whatever name the institutions may later be known, they should be supported, and so on, as the committee proposal provides. I urge the defeat of the Allen amendment and then hope to submit for your consideration the amendment I propose with Mr. Powell.

PRESIDENT NISBET: The Chair recognizes Mr. Gover.

MR. GOVER: Mr. President and fellow delegates, I presume what I have in mind is a style and drafting change, but I would think that this amendment should follow line 9, in line 9 after "law" where the names of your institutions are all mentioned, and then following in there that the legislature has the right to change those names upon the recommendation of the board.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: Mr. President, I am opposed to the Allen amendment. I quite frankly have seen little need or necessity over the past years for these name games that the universities

are playing anyway. It seems to me that one name is as good as another for a university. Once it is established I think it has a certain permanency to it and helps establish a tradition, and it seems that our universities the last few years felt compelled to go around changing their names every few years. I don't think it adds anything to the university. I think there is a definite need for having the names of the universities in there, because this gives them a constitutional status and sort of acts as a buffer or barrier between them and the legislative investigations and so on, but the need to add constitutional language just to let them go around changing names, I think is unnecessary.

PRESIDENT NISBET: The question is on the Allen amendment. Those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor of the Allen amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote. Mr. Sterrett.

MR. STERRETT: Mr. President, I am quite amazed to see Mr. Brake, Boothby, Iverson and Hutchinson on the left.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Allen, the yeas are 53; the nays are 69.

PRESIDENT NISBET: The amendment is not adopted. We have one more amendment. Mr. Chase will read it.

SECRETARY CHASE: Messrs. Prettie and Powell offer the following amendment:

1. Amend page 1, line 7, [section a] after "College," by inserting "by whatever names said institutions may hereafter be known,"; so the language will then read following the naming of these institutions, "Grand Valley State College, by whatever name said institutions may hereafter be known, and other institutions of higher education established by law."

PRESIDENT NISBET: Mr. Prettie.

MR. PRETTIE: Very briefly, most of the argument on this has been presented previously in comment on Mr. Allen's amendment. This retains the recognition and prestige of the names in the constitution, which have historically been there, and adds the more recently established institutions. It does not permit the legislature to amend the constitution. It does permit change of name without constitutional amendment in the future. I urge the adoption of the amendment.

PRESIDENT NISBET: The question is on the amendment of Mr. Prettie and Mr. Powell. Those in favor will say aye. Those opposed, no. The Chair is in doubt. Those in favor of the amendment will vote aye. Those opposed will vote nay.

MR. WANGER: Mr. President, will you ask the secretary to read the amendment? We can't read it on this wall.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment reads as follows:

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

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Prettie and Powell, the yeas are 71; the nays are 48.

PRESIDENT NISBET: The amendment is adopted. The question now is on the adoption of Committee Proposal 98, as amended.

MR. DOWNS: Mr. President, I wish to move that section c be given a separate number and be voted on separately. The reason for that is that personally I am for the rest of this proposal but I am against section c because of the advice and consent concept, which conceivably might be changed when we get in the executive branch, and I would feel constrained to vote against the whole proposal unless a separation is made. I realize this is a difficult problem when delegates may favor a good portion of a proposal and yet the degree of their feeling against another part raises a question.

PRESIDENT NISBET: The question is on the motion of Mr. Downs that section c be voted on separately from sections a and b. Those in favor of that motion will say aye. Those opposed, no.

The motion does not prevail. The question now is on the adoption of Committee Proposal 98 as amended. Mr. Brown.

MR. G. E. BROWN: Mr. President, I would like to address a question to either a member of the committee on style and drafting or to Mr. Bentley, and that relates to the second paragraph where we set up the governing boards for Michigan State, University of Michigan, Wayne State—we mention the governing boards there—then in paragraph c, or in section c, we say other institutions of higher education established by law, having authority to grant baccalaureate degrees and so on, shall be governed by a board of control. It seems to me that you have left out those other institutions which are named in the first paragraph, such as Western Michigan, with respect to these boards, because you name the boards for the 3, and then you say that other institutions of higher education established by law shall have such boards. Now, what about Western Michigan, Central Michigan, Eastern Michigan, and so on? I know what the committee contemplated but I don't think you've gotten the language.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I will say to the gentleman from Schoolcraft that the intent was that both the 7 institutions named in section a and any institutions named hereafter, that is, after the adoption of this constitution and created by the legislature, would have the constitutional status and the separate governing board as provided for in section c. If the gentlemen on the committee on style and drafting do not feel that that intent is carried out in the present language, why, of course, they are at liberty to suggest changes to it. But I feel personally that the intent is specific and clear and I do not think there is any confusion arising, in answer to Mr. Brown's question, at this time.

MR. G. E. BROWN: I will only say, Mr. Bentley, I think that your intent is clear but I think that your language does not do it clearly.

PRESIDENT NISBET: Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I would take issue with Mr. Brown on this point for the reason that I am satisfied that every one of these institutions listed here have been created by law, and it doesn't—the language in section c—does not say "hereafter established;" it says "other institutions of higher learning established by law." They have all been established by law.

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. President, I would like to speak on section a. Is that permissible at this time?

PRESIDENT NISBET: Proceed.

MR. HIGGS: We are moving along so fast here I just wondered whether or not we realize what we have done in passing the Powell-Prettie amendment. In speaking with Mr. Prettie, it is my understanding now that we have actually given the power to change the name of any of these schools to the governing board, without any reference to the legislature or the constitution. Now I just point out that we have done that; I don't propose to offer any amendment. I don't feel strongly enough about it to oppose the section, but it is something to think about between now and the third reading.

PRESIDENT NISBET: The question is on the adoption of the proposal. Mr. Downs.

MR. DOWNS: Mr. President, I regret that we did not separate section c and wish to advise the convention that I will reserve the opportunity to explain in the journal; that I am intending to vote against the entire proposal because I feel so strongly on the advice and consent concept. I hope that in voting this way it will, perhaps, stimulate us to do some additional revision when we get to the executive branch or do some revision before third reading. However, feeling as strongly as I do, that this could interfere with the integrity of our educational system, I feel that it would be a step backwards from our present educational system, and because I feel that strongly, I am constrained to vote against the whole proposal even though there are many other parts of it I favor.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, I would just like to raise a

point of order on the previous action of the Chair with regard to the division of the question. In rule 51, it says that:

Any delegate may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the convention.

Wouldn't it seem possible that, in view of the fact that this proposal deals with 4 sections and these sections—you could easily say that one taken away the other would still retain their substance; wouldn't it be possible under those circumstances that we could vote on the sections, where such a division is called for, separately, since they are distinct from one another and are each substantive in their own right?

PRESIDENT NISBET: The question, Mr. Faxon, was on the motion of Mr. Downs that we vote on them separately. It was decided. Miss Hart.

MISS HART: Mr. President, I should like to abstain from voting and reserve the right to explain my reasons in the journal, please.

PRESIDENT NISBET: You may do that. Mr. Walker.

MR. WALKER: An inquiry, Mr. President. If we do not approve of any one section, the only way then that we can show our dissatisfaction with that section would be to vote against the whole proposition?

PRESIDENT NISBET: The vote is on the entire proposal. Those in favor will vote aye. Those opposed will vote nay.

MR. FAXON: Mr. President, can you call for a division?

PRESIDENT NISBET: Mr. Downs could have called for a division.

MR. FAXON: Could I call for a division?

PRESIDENT NISBET: Are you asking for a division?

MR. FAXON: Yes, I would.

PRESIDENT NISBET: Mr. Faxon has asked for a division. Your division, Mr. Faxon, is what?

MR. FAXON: I would like to divide section by section.

PRESIDENT NISBET: Which section do you have in mind, Mr. Faxon?

MR. FAXON: Well, there are 4 sections: a, b, c and d.

PRESIDENT NISBET: Division on each one?

MR. FAXON: Well, section c separately.

PRESIDENT NISBET: Okay. Then the vote is on sections a, b and d.

MR. DURST: I would like to ask, Mr. President, if we divide this proposal and vote it section by section, ultimately do we not have, in the end, one vote on the whole proposal?

PRESIDENT NISBET: Mr. Chase informs me that the vote will be section by section. Sections a, b and d and section c separately.

MR. DURST: And there will not be a vote on the whole proposal?

PRESIDENT NISBET: The question is on sections a, b and d. 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—121

Allen	Goebel	Perlich
Andrus, Miss	Gover	Perras
Anspach	Hanna, W. F.	Plank
Austin	Hannah, J. A.	Pollock
Baginski	Hart, Miss	Powell
Balcer	Haskill	Prettie
Batchelor	Hatch	Pugsley
Beaman	Hatcher, Mrs.	Radka
Bentley	Heldeman	Rajkovich
Binkowski	Higgs	Richards, J. B.
Blandford	Hodges	Richards, L. W.
Bledsoe	Hood	Romney
Bonisteel	Howes	Rush
Boothby	Hoxie	Sablich
Bradley	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, T. S.	Iverson	Shanahan
Buback	Jones	Sharpe
Butler, Mrs.	Judd, Mrs.	Sleder

Conklin, Mrs.	Karn	Snyder
Cushman, Mrs.	Kelsey	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Sterrett
DeVries	Krolkowski	Stevens
Donnelly, Miss	Kuhn	Stopczynski
Doty, Dean	Leibbrand	Suzore
Doty, Donald	Leppien	Turner
Douglas	Liberato	Tweedie
Downs	Madar	Upton
Durst	Mahinske	Van Dusen
Elliott, A. G.	McCauley	Walker
Elliott, Mrs. Daisy	McGowan, Miss	Wanger
Erickson	McLogan	White
Everett	Millard	Wilkowski
Farnsworth	Mosier	Wood
Faxon	Murphy	Woolfenden
Figy	Nisbet	Yeager
Follo	Ostrow	Young
Gadola	Page	Youngblood
Garvin		

Nays—3

Brown, G. E.	Finch	Habermehl
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SECRETARY CHASE: On the passage of sections a, b and d of Committee Proposal 98, the yeas are 121; the nays are 3.

PRESIDENT NISBET: The 3 sections are passed. Will the delegates please clear the board. The question now is on Committee Proposal 98, section c. 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—86

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

Nays—36

Austin	Garvin	McCauley
Baginski	Habermehl	McGowan, Miss
Balcer	Hart, Miss	Murphy
Binkowski	Hatcher, Mrs.	Ostrow
Bradley	Hodges	Perlich
Brown, T. S.	Hood	Snyder
Buback	Jones	Stopczynski
Douglas	Kelsey	Suzore
Downs	Krolkowski	Walker
Elliott, Mrs. Daisy	Liberato	Wilkowski
Faxon	Madar	Young
Finch	Mahinske	Youngblood

SECRETARY CHASE: On the passage of section c of Committee Proposal 98, the yeas are 86; the nays are 36.

PRESIDENT NISBET: Section c, as amended, is passed so

the proposal, as amended, is passed and referred to the committee on style and drafting.

MR. VAN DUSEN: Mr. President.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Point of order, Mr. President. I believe that under rule 58 the proposal cannot be referred to the committee on style and drafting until a majority of all the delegates have voted in favor of the passage of same. Now voting in favor of the passage of the same means voting in favor of the proposal, not of its individual sections. I make this point of order that we must now vote upon the proposal.

PRESIDENT NISBET: The board will be cleared. We will now vote on the complete proposal. Will the delegates please clear the machine. The question now is on the adoption of Committee Proposal 98, as amended. Those in favor will vote aye. Those opposed will vote nay. Mr. Kuhn.

MR. KUHN: Mr. President, parliamentary inquiry. Since our attention has been called to 58, I think we better read that quite clearly. This says to me that every single section that we pass must be by a roll call vote, yea and nay, and must have a majority of the delegates elect; every section.

PRESIDENT NISBET: We will take that under consideration, Mr. Kuhn.

MR. KUHN: Thank you.

MR. G. E. BROWN: Mr. President, I wish to abstain and I will state my reasons later.

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—90

Allen	Hannah, J. A.	Pollock
Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettie
Balcer	Heideman	Pugsley
Beaman	Higgs	Radka
Bentley	Howes	Rajkovich
Blandford	Hoxie	Richards, J. B.
Boothby	Hubbs	Richards, L. W.
Bradley	Hutchinson	Romney
Brake	Iverson	Rush
Brown, T. S.	Judd, Mrs.	Sablich
Butler, Mrs.	Karn	Seyferth
Conklin, Mrs.	Kirk, S.	Shackleton
Cushman, Mrs.	Knirk, B.	Sharpe
Danhof	Koeze, Mrs.	Sleder
Dehnke	Krolkowski	Spitler
Dell	Kuhn	Stafseth
DeVries	Leibbrand	Staiger
Donnelly, Miss	Leppien	Sterrett
Doty, Donald	McCauley	Stevens
Durst	McGowan, Miss	Turner
Elliott, A. G.	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Mosier	Van Dusen
Farnsworth	Nisbet	Wanger
Figy	Ostrow	White
Follo	Page	Wilkowski
Gadola	Perlich	Wood
Goebel	Perras	Woolfenden
Gover	Plank	Yeager

Nays—28

Austin	Habermehl	Mahinske
Baginski	Hart, Miss	Murphy
Binkowski	Hatcher, Mrs.	Shanahan
Buback	Hodges	Snyder
Douglas	Hood	Stopczynski
Downs	Jones	Suzore
Elliott, Mrs. Daisy	Kelsey	Walker
Faxon	Liberato	Young
Finch	Madar	Youngblood
Garvin		

SECRETARY CHASE: On the passage of Committee Proposal 98, the yeas are 90; the nays are 28.

PRESIDENT NISBET: Committee Proposal 98, as amended, is passed.

Following is explanation of vote submitted by Messrs. Downs, Snyder, Walker and Miss Hart:

We voted against Committee Proposal 98, which called for the advice and consent of the senate in establishing boards for most of Michigan's institutions of higher education.

Michigan now has an educational system of distinction and integrity with academic freedom and has been free from undue influence by other branches of government.

We feel that Michigan's educational system has been basically sound and part of this is because of the elected basis of educational officials.

The burden is on those who want change to say why advice and consent by the senate for appointed boards for any of Michigan's state institutions would be preferable to our present system. Those few institutions that do require advice and consent for the selection of their governing bodies have found difficulties not encountered by those universities and colleges whose governing bodies are elected by popular vote throughout the state where each person's vote is equal, rather than by senate confirmation which is not based on equality of representation.

We hope that before third reading is completed the convention will make improvements so we can wholeheartedly support this proposal.

PRESIDENT NISBET (continuing): It is referred to the committee on style and drafting.

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

Sec. a. The legislature shall appropriate 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 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. 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. These 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 and be ex officio a 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. Each appointee shall hold office until a successor has been nominated and elected as prescribed by law.

Sec. c. 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 shall, as often as necessary, elect a president of the institution under its supervision who 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 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 be appointed by the governor in the same manner as executive appointments are 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 and 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 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.

MR. BENTLEY: Mr. President.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, this merely leaves Committee Proposal 47 to be considered by the convention before action on the education proposals is completed. In the expectation that the convention will shortly recess, I hope that when we return this afternoon we can dispose of 47 very expeditiously so we can return to general orders and proceed to finish up our work that is so important at that time.

PRESIDENT NISBET: Mr. DeVries.

MR. DeVRIES: Mr. President, the committee on administration will hold a brief meeting following the afternoon session.

PRESIDENT NISBET: The Chair recognizes Mr. Baginski. Announcements first.

MR. HUTCHINSON: Mr. President, is Mr. Baginski going to move to recess?

PRESIDENT NISBET: That is right.

MR. HUTCHINSON: Well, I would like to make an announcement ahead of the motion.

PRESIDENT NISBET: Okay, you may make it.

MR. HUTCHINSON: Mr. President, the committee on style and drafting finds it necessary to have a meeting during this noon hour, and we desperately need a quorum because unless we get a quorum down there we can't report out some things that are coming up for second reading the very first part of next week. So please, members of style and drafting, please come down and bring your lunch. It won't take us long but we have got to have enough votes down there to get some of this stuff out. We need a quorum.

PRESIDENT NISBET: Mr. Millard.

MR. MILLARD: Mr. President, I want to make an announcement. I hope in the heat of battle the committee on emerging problems has not forgotten that we are going to have our pictures taken immediately after this session.

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: The following announcements: Delegates Downs and Woolfenden announce that a grudge match will be played in the Y.M.C.A. gym this noon for the benefit of any delegates who would like to enjoy badminton as a spectator sport. (laughter) There is no admission charge.

The committee on education will meet immediately when the convention recesses. Mr. Bentley, chairman. Please bring your lunch.

PRESIDENT NISBET: Mr. Baginski.

MR. BAGINSKI: Mr. President, members of the convention, I move that the convention recess until 2:00 o'clock this afternoon.

SECRETARY CHASE: I have one announcement before the vote. Mr. Iverson requests that a change in the time of the Republican meeting be announced. It will be held at 1:00 o'clock instead of 12:30.

Mr. Danhof requests to be excused from part of the afternoon session.

PRESIDENT NISBET: Without objection, he will be excused. The question is on the motion — Mr. Elliott.

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
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11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

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

ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

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

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

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of

less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II ELECTIONS

Sec.	Com. Proposal
1. Qualifications	58a
2. Legislature may exclude certain persons from voting	58b
3. Presidential electors, residence	58c
4. Elections, Place and Manner	58d
5. Elections, Time	58e
6. Expenditure of Money	58f
7. Board of Canvassers	58h
8. Recall	58g
9. Initiative and Referendum	118b

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

53 Sec. 7. A board of state canvassers [consisting]
54 of [4] FOUR members shall be established by law.
55 No candidate for an office to be canvassed nor any
56 inspector of elections shall be eligible to serve as
57 a member of a board of canvassers. A majority
58 of any board of canvassers shall not be composed
59 of members of the same political party.

60 Sec. 8. Laws shall be enacted to provide for the

recall of all elective officers except judges of courts
of record upon petition of electors equal in number
to 25 percent of the number of persons voting [at]
IN the last preceding election for the office of
governor in the electoral district of the officer
sought to be recalled. THE SUFFICIENCY OF
any statement of reasons or grounds procedurally
required shall be [deemed to pose] a political rather
than a judicial question.

Sec. 9. The people reserve to themselves the
power to propose laws and to enact and reject laws,
called the initiative, and the power to reject laws
enacted by the legislature, called the referendum.
The power of initiative extends only to laws which
the legislature may enact under this constitution.
The power of referendum does not extend to acts
making appropriations for state institutions or to
meet deficiencies in state funds AND MUST BE
INVOKED IN THE MANNER PRESCRIBED BY
LAW WITHIN 90 DAYS FOLLOWING THE
FINAL ADJOURNMENT OF THE LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive and [5] FIVE percent for referendum of the
total vote cast for all candidates for governor at
the last preceding general election AT WHICH A
GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF
REFERENDUM PROPERLY HAS BEEN IN-
VOKED SHALL BE EFFECTIVE THEREAFTER
UNLESS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING THEREON AT THE
NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition
shall be either enacted or rejected by the legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. If any law proposed by such petition shall
be enacted by the legislature it shall be subject to
referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not
enacted by the legislature within the 40 days, the
state officer authorized by law shall submit such
proposed law to the people for approval or rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure upon the same subject by a yea and nay vote
upon separate roll calls, and in such event both
measures shall be submitted by such state officer
to the electors for approval or rejection at the
next [ensuing] general election.

Any [act] LAW submitted to the people by either
initiative or referendum petition and approved by
a majority of the votes cast thereon at any election
shall take effect 10 days after the date of the
official declaration of the vote. No [act] LAW

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

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
8. Advisory Opinions	96k

Article III General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION

OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested	118a
2. Senate, Number, Term, Districts	80a
3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
16. Legislature, powers, rules	102a
17. Legislature, committees	102b
18. Legislature, journals, protest	114a

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
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37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

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

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

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

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

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor[']s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

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

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

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60 Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

ARTICLE IX FINANCE & TAXATION

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

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

12 Sec. 8. [At no time shall] The legislature
13 SHALL NOT [levy] IMPOSE a sales tax on re-
14 tailers at a rate of more than [4] FOUR percent
15 of their gross taxable sales of tangible personal
16 property.

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

25 Sec. 10. One-eighth of all taxes [upon the priv-
26 ilege of selling] IMPOSED ON RETAILERS ON
27 TAXABLE SALES AT RETAIL OF tangible per-
28 sonal property [at retail] shall be used exclusively
29 for assistance to cities, villages and townships, on
30 a population basis as provided by law. IN DE-
31 TERMINING POPULATION the legislature may
32 exclude [from population] any portion of the total
33 number of persons who are wards, patients or
34 convicts [of] IN any tax supported institution.

35 Sec. 11. There shall be established a state
36 school aid fund. The legislature may [from time
37 to time] dedicate [certain] tax revenues to this
38 fund which shall be used exclusively for the sup-
39 port of public education and [for] school em-
40 ployees' retirement systems, [in a manner] AS
41 provided by law.

42 Sec. 12. No evidence of state indebtedness
43 shall be issued except for debts authorized pur-
44 suant to this constitution.

45 Sec. 13. Public bodies corporate shall have
46 power to borrow money and to issue their securi-
47 ties evidencing debt, subject to this constitution
48 and law.

49 Sec. 14. To meet obligations incurred pursuant
50 to appropriations for any fiscal year, the legis-
51 lature may by law authorize the state to issue its full
52 faith and credit notes in which case it shall pledge
53 undedicated revenues to be received within the
54 same fiscal year for the repayment thereof. Such
55 indebtedness in any fiscal year shall not exceed
56 15 percent of undedicated revenues received by
57 the state during the preceding fiscal year and such
58 debts shall be repaid at the time the revenues so
59 pledged are received, but not later than the end
60 of the same fiscal year.

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

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

17 If the minimum amount which [it] would other-
18 wise be necessary for a school district to levy
19 in any year to pay principal and interest on its
20 qualified bonds, including any necessary allowances
21 for estimated tax delinquencies, exceeds 13 mills
22 on each dollar of its assessed valuation as [last]
23 FINALLY equalized [by the state], or such lower
24 millage as the legislature may prescribe, then the
25 school district may elect to borrow all or any part
26 of the excess from the state. In that event the
27 state shall LEND [loan] the excess amount to the
28 school district for the payment of principal and
29 interest. If for any reason any school district will
30 be or is unable to pay the principal and interest
31 on its qualified bonds when due, then the school
32 district shall borrow and the state shall LEND
33 [loan] to it an amount sufficient to enable the
34 school district to make the payment.

35 The term "qualified bonds" means general obli-
36 gation bonds of school districts issued for capital
37 expenditures, including refunding bonds, issued
38 prior to May 4, 1955, or issued thereafter and
39 qualified as provided by law pursuant to Section 27
40 or Section 28, Article X, of the Constitution of
41 1908 or pursuant to this section.

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

55 Subject to the foregoing provisions, the legis-
56 lature shall have the power to prescribe and to
57 limit the procedure, terms and conditions for the
58 qualification of bonds, for obtaining and making
59 state loans, and for the repayment of loans.

60 The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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

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

SCHEDULE AND TEMPORARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Every registered elector may vote

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

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

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

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 system 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 performs 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 depart-

ment 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 con-

stitutional 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

PREAMBLE

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

Article I

Declaration of Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

either in his own proper person or by an attorney.

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

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

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

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

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

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

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

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

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

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 Sec. 23. Any city or village may acquire, own,
2 establish and maintain, within or without its
3 corporate limits, parks, boulevards, cemeteries,
4 hospitals and all works which involve the public
5 health or safety.

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

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

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

1 Sec. 1. Religion, morality and knowledge being
2 necessary to good government and the happiness
3 of mankind, schools and the means of education
4 shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applica-
52 ble to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

13 Sec. 1. Amendments to this constitution may
14 be proposed in the senate or house of representa-
15 tives. Proposed amendments agreed to by two-
16 thirds of the members elected to and serving in
17 each house on a vote with the names and vote of
18 those voting entered in the respective journals
19 shall be submitted, not less than 60 days there-
20 after, to the electors at the next general election
21 or special election as the legislature shall direct.
22 If a majority of electors voting on a proposed
23 amendment approve the same, it shall become
24 part of the constitution and shall abrogate or
25 amend existing provisions of the constitution at
26 the end of 45 days after the date of the election
27 at which it was approved.

28 Sec. 2. Amendments may be proposed to this
29 constitution by petition of the registered electors
30 of this state. Every petition shall include the full
31 text of the proposed amendment, and be signed by
32 registered electors of the state equal in number to
33 at least 10 percent of the total vote cast for
34 all candidates for governor at the last preceding
35 general election at which a governor was elected.
36 Such petitions shall be filed with the person au-
37 thorized by law to receive the same at least 120
38 days before the election at which the proposed
39 amendment is to be voted upon. Any such petition
40 shall be in the form, and shall be signed and
41 circulated in such manner, as prescribed by law.
42 The person authorized by law to receive such peti-
43 tion shall upon its receipt determine, as provided
44 by law, the validity and sufficiency of the signa-
45 tures on the petition, and make an official an-
46 nouncement thereof at least 60 days prior to the
47 election at which the proposed amendment is to be
48 voted upon.

49 Any amendment proposed by such petition shall
50 be submitted, not less than 120 days after it was
51 filed, to the electors at the next general election.
52 Such proposed amendment, existing provisions of
53 the constitution which would be altered or abro-
54 gated thereby, and the question as it shall appear
55 on the ballot shall be published in full as provided
56 by law. Copies of such publication shall be posted
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-
59 tain a statement of the purpose of the proposed
60 amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

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

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "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.", and inserting "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.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"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.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "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.", and inserting "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.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

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

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

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

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

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

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

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

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

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

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

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

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

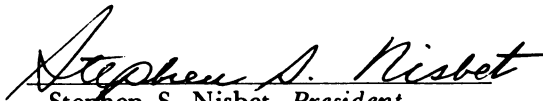
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

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