

# Michigan Constitutional Convention of 1961

## Committee Proposal 31

### Const 1963, Art 8, § 9

#### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices .....	pp. 3436, 3443-3444, 3471
First Reading .....	pp. 694, 764, 822-837, 841
Second Reading .....	pp. 2560-2563
Draft Constitution (Art 8, § 9) .....	pp. 3047-3075 (p. 3066)
Third Reading, Article-by-Article .....	pp. 3147-3149
Draft Constitution (Art 8, § 9) .....	pp. 3215-3237 (p. 3231)
Third Reading, Full Constitution .....	pp. 3292, 3300-3301
Adopted Constitution (Art 8, § 9) .....	pp. 3319-3353 (p. 3343)
Address to the People .....	p. 3397

#### 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**



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

Committee Proposal No.	Page
23: Cont'd.	
Jan. 17, sections b, c, d considered; section b amended, passed; sections c, d passed; committee proposal as amended considered, passed by committee of the whole	613-631
Jan. 17, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	631-633
Mar. 12, reported by style and drafting (Report 37); placed on order of second reading	1569
Apr. 19, read second time; amended, passed; rereferred to style and drafting	2622-2627
24. A proposal pertaining to inclusion of section 39 of article V in the constitution.	
For text as offered and reasons	707
As referred to style and drafting	707
As reported by style and drafting	2965
As rereferred to style and drafting	2965
Jan. 17, reported by legislative powers; referred to committee of the whole	613
Jan. 29, read first time; considered, passed by committee of the whole	707-708
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 21); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2965
25. A proposal to amend article XVI, section 2 of the present constitution pertaining to oath of office.	
For text as offered and reasons	708
As referred to style and drafting	708
As reported by style and drafting	2997
As rereferred to style and drafting	2997
Jan. 18, reported by miscellaneous provisions and schedule; referred to committee of the whole	635
Jan. 29, read first time; considered, passed by committee of the whole	708-709
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 22); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2997-2998
26. A proposal for a section in the declaration of rights incorporating in the declaration of rights an "equal protection" clause and a guarantee against discrimination in civil and political rights because of race, religion, sex or national origin.	
For text as offered and reasons	739
For minority report and reasons	740
As referred to style and drafting	739
As reported by style and drafting	2887
As rereferred to style and drafting	2916
Jan. 19, reported by declaration of rights, suffrage and elections; referred to committee of the whole	658
Jan. 29, consideration postponed to Jan. 30 by committee of the whole	709
Feb. 1, read first time; considered by committee of the whole	739-752
Feb. 2, considered, passed by committee of the whole	760
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-778
Feb. 12, reported by style and drafting (Report 6); placed on order of second reading	955
Apr. 26, read second time; passed; rereferred to style and drafting	2887-2892
Apr. 27, reconsidered vote on passage; reconsidered vote on amendment, amended, passed; rereferred to style and drafting	2911-2916
27. A proposal to provide for liquor control, excise taxes and local option by counties. Amends article XVI, section 11.	
For text as offered and reasons	709
As referred to style and drafting	709
As reported by style and drafting	2976
As rereferred to style and drafting	2976

Committee Proposal No.	Page
27: Cont'd.	
Jan. 19, reported by legislative powers; referred to committee of the whole	658
Jan. 29, read first time; considered, passed by committee of the whole	709-718
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 23); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2976-2977
28. A proposal to provide for compensation of the legislature. Amends article V, section 9.	
For text as offered and reasons	760
As referred to style and drafting	760
As reported by style and drafting	2939
As rereferred to style and drafting	3027
Jan. 19, reported by legislative power; referred to committee of the whole	670
Feb. 2, read first time; considered, passed by committee of the whole	760-761
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 5, reported by style and drafting (Report 24); placed on order of second reading	1430
Apr. 27, read second time; amended, postponed until Apr. 30	2939-2948
Apr. 30, consideration postponed	2949
Apr. 30, amended, not passed	2977-2992
May 1, reconsidered vote on passage; amended, passed; rereferred to style and drafting	3013-3027
29. A proposal to provide for the form of laws. Retains article V, section 20.	
For text as offered and reasons	761
As referred to style and drafting	761
As reported by style and drafting	2954
As rereferred to style and drafting	2954
Jan. 19, reported by legislative powers; referred to committee of the whole	670
Feb. 2, read first time; considered, passed by committee of the whole	761
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 5, reported by style and drafting (Report 13); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2954
30. A proposed pertaining to free public and elementary schools. Replaces article XI, section 9.	
For text as offered and reasons	762
As referred to style and drafting	762
As reported by style and drafting	2557
As rereferred to style and drafting	2560
Jan. 23, reported by education; referred to committee of the whole	690
Feb. 2, read first time; considered, passed by committee of the whole	762-763
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 27, reported by style and drafting (Report 48); placed on order of second reading	1891
Apr. 18, read second time; amended, passed; rereferred to style and drafting	2557-2560
31. A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries.	
For text as offered and reasons	822
As referred to style and drafting	841
As reported by style and drafting	2560
As rereferred to style and drafting	2560
Jan. 24, reported by education; referred to committee of the whole	694
Feb. 2, consideration postponed by committee of the whole	764
Feb. 6, read first time; considered, amended, passed by committee of the whole	822-837
Feb. 6, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	841



Committee Proposal No.	Page	Committee Proposal No.	Page
31: Cont'd.		36: Cont'd.	
Mar. 27, reported by style and drafting (Report 49); placed on order of second reading .....	1891	Jan. 25, reported on finance and taxation; referred to committee of the whole .....	696
Apr. 18, read second time; passed; rereferred to style and drafting .....	2560-2563	Feb. 2, consideration postponed by committee of the whole .....	766
32. A proposal to provide for eligibility to serve in the legislature. Retains article V, section 5.		Feb. 6, read first time; considered, passed by committee of the whole .....	818-820
For text as offered and reasons .....	764	Feb. 6, reported by committee of the whole without amendment; referred to style and drafting .....	822
As referred to style and drafting .....	764	Apr. 13, reported by style and drafting (Report 60); placed on order of second reading .....	2405
As reported by style and drafting .....	2928	Apr. 19, read second time; amended, passed; rereferred to style and drafting .....	2657-2658
As rereferred to style and drafting .....	2929	(Note: The entire content stricken.)	
Jan. 24, reported by legislative powers; referred to committee of the whole .....	694	37. A proposal to provide for care and control of state funds, accounting for public moneys, audits, and publication of reports, and covering the general subject matter found in sections 15, 16, 17, 18 and 13 of article X of the 1908 constitution.	
Feb. 2, read first time; considered, passed by committee of the whole .....	764-765	For text as offered and reasons .....	766
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting .....	776-777	As referred to style and drafting .....	766
Mar. 5, reported by style and drafting (Report 14); placed on order of second reading .....	1429	As reported by style and drafting .....	2658
Apr. 27, read second time; amended, passed; rereferred to style and drafting .....	2928-2929	As rereferred to style and drafting .....	2658
33. A proposal to provide for immunity of legislators from arrest during sessions except for certain crimes. Amends article V, section 8.		Jan. 25, reported by finance and taxation; referred to committee of the whole .....	696
For text as offered and reasons .....	765	Feb. 2, read first time; considered, passed by committee of the whole .....	766-770
As referred to style and drafting .....	765	Feb. 2, reported by committee of the whole without amendment; referred to style and drafting .....	776-777
As reported by style and drafting .....	2930	Apr. 13, reported by style and drafting (Report 61); placed on order of second reading .....	2406
As rereferred to style and drafting .....	2930	Apr. 19, read second time; passed; rereferred to style and drafting .....	2658-2659
Jan. 24, reported by legislative powers; referred to committee of the whole .....	694	38. A proposal with reference to the earmarking of the gas and weight taxes for highway purposes covering the subject matter of article X, section 22 of the 1908 constitution.	
Feb. 2, read first time; considered, passed by committee of the whole .....	765	For text as offered and reasons .....	775
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting .....	776-777	As referred to style and drafting .....	794
Mar. 5, reported by style and drafting (Report 15); placed on order of second reading .....	1429	As reported by style and drafting .....	2631
Apr. 27, read second time; passed; rereferred to style and drafting .....	2930	As rereferred to style and drafting .....	2631
34. A proposal to provide for quorums of the house and senate and the right of these bodies to compel attendance. Amends article V, section 14.		Jan. 25, reported by finance and taxation; referred to committee of the whole .....	696
For text as offered and reasons .....	765	Feb. 2, read first time; considered by committee of the whole .....	775-776
As referred to style and drafting .....	765	Feb. 5, considered, amended, passed by committee of the whole .....	780-785
As reported by style and drafting .....	2950	Feb. 5, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting .....	794
As rereferred to style and drafting .....	2950	Apr. 13, reported by style and drafting (Report 62); placed on order of second reading .....	2406
Jan. 24, reported by legislative powers; referred to committee of the whole .....	694	Apr. 19, read second time; passed; rereferred to style and drafting .....	2631-2635
Feb. 2, read first time; considered, passed by committee of the whole .....	765	39. A proposal with reference to the earmarking of sales tax revenues covering the subject matter of section 23 of article X of the 1908 constitution.	
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting .....	776-777	For text as offered and reasons .....	785
Mar. 5, reported by style and drafting (Report 16); placed on order of second reading .....	1429	For minority reports and reasons .....	786
Apr. 30, read second time; passed; rereferred to style and drafting .....	2950-2951	As referred to style and drafting .....	785
35. A proposal to provide that the form of legislation shall be by bill. Retains article V, section 19.		As reported by style and drafting .....	2635
For text as offered and reasons .....	766	As rereferred to style and drafting .....	2641
As referred to style and drafting .....	766	Jan. 25, reported by finance and taxation; referred to committee of the whole .....	696
As reported by style and drafting .....	2953	Feb. 5, read first time; considered by committee of the whole .....	785-806
As rereferred to style and drafting .....	2953	Feb. 6, considered, passed by committee of the whole .....	807-818
Jan. 24, reported by legislative powers; referred to committee of the whole .....	695	Feb. 6, reported by committee of the whole without amendment; referred to style and drafting .....	820-822
Feb. 2, read first time; considered, passed by committee of the whole .....	766	Apr. 13, reported by style and drafting (Report 63); placed on order of second reading .....	2406
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting .....	776-777	Apr. 19, read second time; amended, passed; rereferred to style and drafting .....	2635-2641
Mar. 5, reported by style and drafting (Report 17); placed on order of second reading .....	1429	40. A proposal with reference to public retirement systems. Amends article X by adding a section.	
Apr. 30, read second time; passed; rereferred to style and drafting .....	2953-2954	For text as offered and reasons .....	770
36. A proposal with reference to the use to be made of the primary school interest fund, covering the subject matter now found in article X, section 1 of the 1908 constitution.		As referred to style and drafting .....	778
For text as offered and reasons .....	818	As reported by style and drafting .....	2659
As referred to style and drafting .....	818	As rereferred to style and drafting .....	2659
As reported by style and drafting .....	2657		
As rereferred to style and drafting .....	2658		

	Page
Article VIII, Section 7: Cont'd.	
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3343
For text, and comments in address to the people .....	3397
Section 8. Services for handicapped persons. (Committee Proposal 13)	
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 .....	3343
For text, and comments in address to the people .....	3397
Section 9. Public libraries, fines. (Committee Proposal 31)	
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 .....	3343
For text, and comments in address to the people .....	3397
ARTICLE IX. Finance and taxation. (Committee Proposals 23a, b, c, d, 37a, b, c, c', d, 38, 39a, b, 40, 49, 50, 51, 52, 54, 56, 74 and 78)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time; sections 4, 6, 11, 18 and 19 amended; passed .....	3159-3170, 3176-3186
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 .....	3343-3346
For text, and comments in address to the people .....	3398-3402
Section 1. Taxes for state expenses. (Committee Proposal 50)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time; passed .....	3159-3170, 3176-3186
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 .....	3343
For text, and comments in address to the people .....	3398
Section 2. Power of taxation, relinquishment. (Committee Proposal 54)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3343
For text, and comments in address to the people .....	3398
Section 3. Property taxation; uniformity, assessments, classes. (Committee Proposal 51)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3343
For text, and comments in address to the people .....	3398
Section 4. Exemption of religious or educational non-profit organizations. (Committee Proposal 51)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, amended, passed .....	3159-3170, 3176-3186
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 .....	3343
For text, and comments in address to the people .....	3398

	Page
Article IX: Cont'd.	
Section 5. Assessment of property of public service businesses. (Committee Proposal 52)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3343
For text, and comments in address to the people ..	3398
Section 6. 15 mill limitation. Nonapplication of limitation. School districts in 2 or more counties. (Committee Proposal 56)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, amended, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3399
Section 7. Income tax. (Committee Proposal 51)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3399
Section 8. Sales tax. (Committee Proposal 39a)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3399
Section 9. Motor vehicle fuel and other taxes to be used for highway purposes. (Committee Proposal 38)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3399
Section 10. Sales tax, distribution to local governments. (Committee Proposal 39a)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3400
Section 11. State school aid fund, source and distribution. (Committee Proposal 39b)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, amended, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3400
Section 12. Evidence of state indebtedness. (Committee Proposal 23a)	
May 7, reported; placed on order of third reading ..	3045
May 9, read third time, passed .....	3159-3170, 3176-3186
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 .....	3344
For text, and comments in address to the people ..	3400

# SIXTY-FOURTH DAY

Wednesday, January 24, 1962, 2:00 o'clock p.m.

## PROCEEDINGS

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

Our invocation this afternoon will be given by Judge Benjamin Stanczyk of the common pleas court of Detroit. Judge Stanczyk. Will you please rise.

**JUDGE STANCZYK:** Let us pray. We praise Thee, O Lord our God, for the mercies and blessings bestowed upon this generous and fruitful country, the United States of America; for the wisdom, forbearance and prudence imparted to our president, our governor and our officials in their work; for peace, prosperity and good will among men.

We give Thee thanks for preserving our nation, a nation in which freedoms and opportunities are available to all its members, regardless of color, creed or station in life.

Today, when fear and doubt walk hand in hand with material progress, we need more than ever to have trust in Thy divine providence, and faith in Thy guiding hand.

And we pray Thee, our God, that the members of this august body, Thy servants selected to serve the Michigan constitutional convention, be given light to see and power to do their tasks according to Thy will. Amen.

**PRESIDENT NISBET:** Thank you, Judge Stanczyk.

The roll call will be taken by the secretary. All those present, please vote aye.

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

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

Prior to today's session, the secretary received the following request for leave: Mr. Knirk, from today's session.

**PRESIDENT NISBET:** Without objection, Mr. Knirk is excused.

**SECRETARY CHASE:** Absent with leave: Messrs. Donald Doty, Haskill, Knirk, Nord and Thomson.

Absent without leave: Messrs. Hodges and Krolkowski.

**PRESIDENT NISBET:** Without objection, the delegates are excused.

The president would like to recognize one of our delegates, Roscoe Bonisteel. Mr. Bonisteel is also president of the Michigan historical society. Mr. Bonisteel.

**MR. BONISTEEL:** Mr. President and fellow delegates, you have on your desk a copy of a recently published book, Alex J. Groesbeck—Portrait of a Public Man, a biography of former Governor Alex J. Groesbeck, written by Mr. Frank B. Woodford, chief editorial writer for the Detroit Free Press. This biography is being presented to you by the historical society of Michigan, through the courtesy of the Michigan Life Insurance Company. Governor Groesbeck was the first president of the company and he remained in that office until his death. This is presented in his memory as a great public servant.

I am happy to make the presentation for 2 reasons: one, the author, Mr. Woodford, has contributed greatly to the perpetuation of historical events in Michigan history through his publications; The Last Jeffersonian, A Biography of Louis Cass, Father Gabriel Richard, Frontier Ambassador, Mr. Jefferson's Disciples, A Biography of Augustus D. Woodward, Father Abrams' Children, a story of Michigan men in the civil war, and now the biography of Governor Groesbeck. These books cover the period from the territorial days of Michigan until almost now. All these books are well written and make excellent reading. My second reason for being pleased in making this presentation is that the book is a biography of a dedicated man, Alex J. Groesbeck. The governor was dedicated to his profession and his government. As we talk about administrative boards, we can think of him because he set them up. When we discuss civil service, we can

recall his speeches in 1934 when he advocated it for Michigan. And in 1941, he was appointed by Governor Murray D. Van Wagoner to the civil service commission and he became the chairman in 1943. He sponsored our highway system and built the first real highways in Michigan. You can read all about it in this biography, and much more.

We have heard here in committees some very distinguished former governors of Michigan. Alex J. Groesbeck is not here to speak to us but we can, through this biography we have before us today, learn something of his ideas about government, of his greatness and of his love for Michigan. I believe that the spirit of Governor Groesbeck is in the hearts of the men and women in this convention hall, and those here who knew him in his lifetime will agree that his public service was objective, progressive, constructive, selfless and completely loyal to the tasks before him. And I am sure if he could testify in person he would say to you and to me, "God speed you in your task for the good of the state of Michigan." (applause)

**PRESIDENT NISBET:** Thank you, Mr. Bonisteel.

**Reports of standing committees.**

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

**Committee Proposal 31,** A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries; with the recommendation that it pass.

Alvin M. Bentley, chairman.

*For Committee Proposal 31 and the reasons submitted in support thereof, see below, page 822.*

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

**SECRETARY CHASE:** Mr. Hoxie, for the committee on legislative powers, introduces

**Committee Proposal 32,** A proposal to provide for eligibility to serve in the legislature. Retains article V, section 5; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 32 and the reasons submitted in support thereof, see below, page 764.*

**PRESIDENT NISBET:** It will be referred to the committee of the whole and placed on the general orders calendar.

**SECRETARY CHASE:** Mr. Hoxie, for the committee on legislative powers, introduces

**Committee Proposal 33,** A proposal to provide for immunity of legislators from arrest during sessions except for certain crimes. Amends article V, section 8; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 33 and the reasons submitted in support thereof, see below, page 765.*

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

**SECRETARY CHASE:** Mr. Hoxie, for the committee on legislative powers, introduces

**Committee Proposal 34,** A proposal to provide for quorums of the house and senate and the right of these bodies to compel attendance. Amends article V, section 14; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

have arresting power within their respective jurisdictions. The comments by the 3 gentlemen who have served upon the bench of this state was that it had not been used, and was a matter that could be better left to the law enforcement agencies, and should be divorced from the judiciary. Hence we recommended the exclusion.

CHAIRMAN MARTIN: Any amendments to the body of the exclusion report? If not, it will be passed.

Exclusion Report 2014 is passed.

SECRETARY CHASE: Item 17 on the calendar, from the committee on judicial branch, by Mr. Danhof, chairman, **Exclusion Report 2015**, A report recommending the exclusion of article VII, section 22.

*Following is Exclusion Report 2015 as read by the secretary, and the reasons submitted in support thereof:*

The committee on judicial branch recommends that article VII, section 22 of the present constitution be excluded from the new constitution.

Mr. Danhof, chairman of the committee on judicial branch, submits the following reasons in support of Exclusion Report 2015:

The committee carefully reviewed the provision of article VII, section 22, and concluded that the subject matter of the section is presently handled by court rule which is entirely proper. The provisions contained in the section are procedural, not substantive, and relate solely to the form in which an indictment should be drawn.

It is possible that in the future the style should be changed and therefore a certain amount of flexibility should be maintained. Accordingly, the committee unanimously voted that the provisions of section 22 and the subject matter contained therein be excluded from the new constitution.

CHAIRMAN MARTIN: Mr. Danhof.

MR. DANHOF: Mr. Chairman and fellow delegates, once again, this was felt to be a legislative or rule making item and, consequently, not required to be contained in the constitution. The committee again unanimously recommended exclusion.

CHAIRMAN MARTIN: Any amendments to the body of the exclusion report? If not, it will be passed.

Exclusion Report 2015 is passed.

The secretary will read.

SECRETARY CHASE: Item 18 on the calendar, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 31**, A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries.

[Committee Proposal 31 was read by the secretary. For full text, see below, page 822.]

CHAIRMAN MARTIN: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, a parliamentary inquiry. It is the desire of the committee on education to have this proposal passed over until other items now on general orders are considered and disposed of. The parliamentary inquiry is: would it be in order to ask unanimous consent for the placing of this proposal on general orders following certain other proposals which are now on this matter?

CHAIRMAN MARTIN: It is in order, without objection.

MR. BENTLEY: Then, Mr. Chairman, if I may, I ask consent that this item on general orders, Committee Proposal 31, not be considered in committee of the whole until the committee has dealt with Committee Proposals 38 and 39, which are items 25 and 26 on the general orders calendar.

CHAIRMAN MARTIN: Without objection—I hear none—it is so ordered.

The secretary will read the next item of business.

SECRETARY CHASE: Item 19 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 32**, A proposal to provide for eligibility to serve in the legislature. Retains article V, section 5.

*Following is Committee Proposal 32 as read by the secretary, and the reasons submitted in support thereof:*

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

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

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 32:

The committee feels that there is no reason to change the existing section. With the changes proposed in article VI, section 13, the 2 clauses become consistent.

Most states have eligibility requirements for their legislators within their constitutions. Michigan has had requirements since 1835. The last amendment was in 1956. This amendment contained the age requirement and added the sentence providing ineligibility because of conviction for subversion or for certain felonies.

The requirement of residence clearly enhances a legislator's concern for local matters and the committee feels that a legislator should represent those who elected him. The 1956 amendment is a recent expression of popular will and there is no need to change it.

CHAIRMAN MARTIN: Mr. Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, once again this item and the next 3 on the calendar fall under the jurisdiction of our subcommittee 1, chairman Dick Kuhn. I yield to Mr. Kuhn.

CHAIRMAN MARTIN: Mr. Kuhn.

MR. KUHN: Mr. Chairman, members of the committee, the committee on legislative powers thought that there should be no change in this section. This section requires that any representative or state senator must be a qualified elector of the district he represents. There was an amendment added to our constitution in 1956 which provided, "No person who has been convicted of subversion or of a felony involving a breach of public trust shall be eligible for either house of the legislature." It was the committee's thought that this should be retained.

CHAIRMAN MARTIN: Any amendments to the body of the proposal? Mr. Lundgren.

MR. LUNDGREN: I don't have an amendment. I just want to pose a question to the committee. Is that proper now?

CHAIRMAN MARTIN: Yes.

MR. LUNDGREN: Yesterday, in our organization committee, we were talking about annexation, and the problem came up: what about a person who might be a representative or senator in an annexed area? In what category does he fall, or how do we protect him?

MR. KUHN: I would say, Mr. Lundgren, the only thing I could put down is that you would have to live in the district you represent. If you do not—if you moved out or it was switched on you—you would vacate that office. Now, if they do switch any lines, obviously it would not take effect until the next legislative session. So I think anyone who would be in a district would be protected if they switched lines.

MR. LUNDGREN: I'm just wondering if it ought to be more specific and more explicit than that.

MR. KUHN: I think it is very clear. I would like to read this:

Each senator and representative shall be a citizen of the United States, at least 21 years of age, and a qualified elector of the district he represents, and his removal from the district shall be deemed a vacation of the office.

MR. LUNDGREN: I would still say it's a tricky question.

CHAIRMAN MARTIN: Mr. Dehnke.

MR. DEHNKE: Mr. Chairman, I would like to remind Mr.

amendment. Those in favor of the Austin amendment will vote yes. Those opposed will vote no.

*The roll was called and the delegates voted as follows:*

## Yeas—63

Andrus, Miss	Follo	Nord
Anspach	Ford	Norris
Austin	Garvin	Page
Baginski	Greene	Pellow
Balcer	Hart, Miss	Perlich
Batchelor	Hatcher, Mrs.	Perras
Bentley	Hodges	Pollock
Binkowski	Hood	Powell
Bledsoe	Judd, Mrs.	Rajkovich
Bonisteel	Kelsey	Richards, L. W.
Brown, T. S.	King	Romney
Buback	Krolkowski	Sablich
Conklin, Mrs.	Kuhn	Snyder
Cushman, Mrs.	Lawrence	Spitler
Dade	Lesinski	Stevens
Dehnke	Madar	Stopczynski
Douglas	Mahinske	Suzore
Downs	Marshall	Walker
Durst	McCauley	Yeager
Elliott, Mrs. Daisy	McGowan, Miss	Young
Faxon	Murphy	Youngblood

## Nays—69

Allen	Haskill	Radka
Beaman	Hatch	Richards, J. B.
Blandford	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Danhof	Hutchinson	Shaffer
Davis	Iverson	Shanahan
Dell	Karn	Sharpe
DeVries	Kirk, S.	Sleder
Doty, Dean	Knirk, B.	Stafseth
Doty, Donald	Koeze, Mrs.	Staiger
Elliott, A. G.	Leibrand	Stamm
Erickson	Leppien	Thomson
Everett	Lundgren	Tubbs
Farnsworth	Martin	Turner
Figy	McAllister	Tweedie
Finch	Millard	Upton
Gadola	Mosier	Van Dusen
Goebel	Nisbet	Wanger
Gover	Plank	White
Gust	Prettle	Wood
Hanna, W. F.	Pugsley	Woelfenden

SECRETARY CHASE: On the proposed amendment, the yeas are 63; the nays are 69.

PRESIDENT NISBET: The amendment is not adopted.

SECRETARY CHASE: There are no other amendments on the desk, Mr. President.

PRESIDENT NISBET: There are no other amendments. Committee Proposal 39 is referred to the committee on style and drafting.

*For Committee Proposal 39 as referred to the committee on style and drafting, see above, page 785.*

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 36**, A proposal with reference to the use to be made of the primary school interest fund, covering the subject matter now found in article X, section 1 of the 1908 constitution. The committee of the whole reports this proposal back to the convention without amendment, with the recommendation that it do pass.

PRESIDENT NISBET: **Committee Proposal 36** is referred to the committee on style and drafting.

*For Committee Proposal 36 as referred to the committee on style and drafting, see above, page 818.*

SECRETARY CHASE: That completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: We will return to the calendar and refer to **general orders**. Mr. Powell.

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

PRESIDENT NISBET: The question is on the motion of Mr. Powell. Those in favor will say aye. Those opposed will vote no.

The motion prevails. Mr. Powell, will you 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. The secretary will read the first proposal.

SECRETARY CHASE: Item 4 on the calendar, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 31**, A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries.

*Following is Committee Proposal 31 as read by the secretary, and the reasons submitted in support thereof:*

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

Sec. a. The legislature shall provide by law for the establishment [of at least 1 library in each township and city;] **AND SUPPORT OF PUBLIC LIBRARIES WHICH SHALL BE AVAILABLE TO ALL RESIDENTS OF THE STATE.** [and] 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**[.], **AS PROVIDED BY LAW.**

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of **Committee Proposal 31**:

This section continues the fine Michigan tradition of encouragement and support of public libraries throughout the state, but it does attempt to eliminate some of the confusing elements of the present article XI of section 14. The 1908 constitution states: "The legislature shall provide by law for the establishment of at least 1 library in each township and city; . . ." This has never been adhered to as a matter of practice. Today, only 1 out of 15 townships has a library.

The present language emphasizes that "public" libraries will be "available" to residents without fixing how or where the libraries themselves shall be organized. The committee presumes that legislation may be written so that each library may make reasonable rules for the use and control of its books.

Under this proposal present libraries will be retained. But to make libraries more available to the people their services may be expanded through cooperation, consolidation, branches and bookmobiles.

The word "support" has been included because there is a growing need for statewide support for public libraries. Our legislature has recognized this and since 1937 has been appropriating limited funds on a regular basis.

Penal fines for support of libraries have been continued. There appears to be a great deal of controversy surrounding the use of these fines but much that has been said is the result of misinformation rather than fact. State supreme court decisions have clarified the fines that may be used for library purposes and from a legal viewpoint the present plan is operating satisfactorily. The committee realizes that these fines do not adequately support libraries and that they must be supplemented by state and local funds but there is a long tradition connected with their use and they are one of the few sources of revenue collected locally outside the property tax.

The term "public libraries" has been used to further clarify eligibility for state and local support. While su-

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

preme court decisions have determined that the word libraries means public libraries and that the legislature may establish qualifications for support of these libraries, the new language makes it a matter of constitutional record.

The committee on finance and taxation has concurrent jurisdiction over this section but has not apparently acted in this matter.

**CHAIRMAN POWELL:** The Chair recognizes Delegate Bentley.

**MR. BENTLEY:** Mr. Chairman, ladies and gentlemen, with this proposal, the committee on education makes its own modest contribution to that delightful and fascinating subject known as earmarking funds. I think, Mr. Chairman, I would like to constitution, and then to indicate the 2 principal changes which read this very short section as it now appears in our present the committee on education has made. As contained in our present constitution, section 14 of article XI reads as follows:

The legislature shall provide by law for the establishment of at least 1 library in each township and city; and 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 libraries.

Mr. Chairman, the committee proposal and the supporting reasons may be found on pages 371 and 372 of Journal 64 dated January 24. The committee has made these 2 changes: we have taken out the obsolete and unobserved provision that a library has to be found in every township or city. That provision, of course, is not now being followed literally. We have instead inserted the language which we believe to be a great improvement insofar as the intent of the constitutional convention—and we hope, the people of this state—are concerned, “The legislature shall provide . . . for the establishment and support,” because the old language merely provided for the legislature to be responsible for the establishment and not the support. We have definitely inserted the word “support” which implies a continuing responsibility on the part of the legislature, even after the library has been established. Then we go on to say “of the public libraries which shall be available to all residents of the state”, and the intent of the committee on education, Mr. Chairman, is just exactly what those words imply.

The only other change we have made is to insert the word “public” again before “libraries” in line 12 and to add, “as provided by law”, so that the legislature in its wisdom may take whatever steps it deems necessary to provide for the continuation of penal fines going to the support of our public libraries.

Without yielding the floor at this time, Mr. Chairman, I would like to yield, for whatever remarks she may care to make, to the chairman of the subcommittee on libraries of the committee on education, the lady from Port Huron, Miss Andrus.

**CHAIRMAN POWELL:** Miss Andrus.

**MISS ANDRUS:** Mr. Chairman and members of the committee, Mr. Bentley has told you some of the things that I had planned to say. Our first constitution in 1835 provided for these libraries. As he said, there was to be a library in each township and in each city. Very few of the townships, however, have been able to provide these libraries. Only about 1 out of 15 have been able to provide libraries. Most of the cities have done so. As he said, there was a provision made in this first constitution for the support of these libraries. It was to be what is called “penal fines”. Now, perhaps most of you people know what penal fines are. Most of our committee did not. The members of my subcommittee, of which I was chairman, have learned a great deal in the last 3 or 4 months about libraries. We have had a great many people up here before us. We have had many letters and we know quite a little about penal fines now.

I don't know how much you should know to vote intelligently on this question, but there are a couple of points I would like to bring out and then you may have questions that you would like to ask. Many of you have asked me individually.

The penal fines are fines collected when someone is arrested for violating state laws. These state laws were chiefly violations of game laws, things of that sort, but it included traffic and as the years have gone on, of course, we have had a great many traffic violations. I think that makes clear what we mean by penal fines in general.

There are 2 things that have happened: as cities became charter cities or home rule cities, and as some townships have become chartered, they are able to pass what are called “parallel ordinances”. So a traffic law in a city, when a fine is paid, is not turned in as a penal fine. That is kept in the city treasury or in the township where they have these parallel ordinances. The result then has been a considerable decline in the amount that would be coming in. We would expect much more to be coming in to this fund as we have more and more automobiles. That has not been the case because of the parallel ordinances.

Now, another thing that you attorneys—many of you—have asked me, the supreme court has interpreted a law library—and all of the counties have law libraries—as a state library and coming under the penal fines. So first, all of the penal fines—which, by the way are sent to the county treasurer—all penal fines go into the county treasury and then are distributed to the libraries according to a census. Since a regular census is taken only every 10 years, they have been using what we call the school census, which is taken each year, as a basis for the distribution of these fines. First, they take out the amount that is needed for the law library. In the upper peninsula, when our education committee was up there, we found that often the law library gets most of it. They need money and they get it first. Then the other, as I said, is distributed.

Now, I would like to have you notice that this was in our first constitution. The people of the state of Michigan, most of them, were settlers from New England, New York state, who were interested in education and having their children have privileges which, coming out to the wilderness, were not as available as they had been back home. So they provided for this primary school fund, and they provided for libraries. They wanted those things right at the beginning for their state. There was no question at all in the 1850 constitution of retaining this or in the 1908. Our subcommittee, after studying this for a long time, was unanimous in recommending that this be retained in the constitution. We presented it to the full committee and the full committee voted unanimously to ask that this be retained.

However, as Mr. Bentley told you, we have made 2 changes. You may wish to understand a little more clearly the reasons for our recommending them. We feel, since so many of the townships have not been able to support libraries, and also I think this is a point that impressed us very much, today our reading is not so much of fiction and matters of that sort as it is for improvement. We have, with automation today, for instance, and with the very accelerated means of production, adults who want to find out more about newer lines of work. We find young people are very anxious to get information, and those books aren't ones that you can use year after year for 20 years or until they wear out. You must have the later books, the more modern books for reference. And so we had conferences and hearings with the state library board, the state association of libraries, the librarians from Detroit and other cities, from small libraries; we got all the evidence we could. They said we should have a larger base.

Most of the townships have not been able to support a library and so we feel, let's not ask each city and township to have a library in the future, as we have in the other constitutions, but we are asking for public libraries which shall be available to all residents of the state. Now, several people have asked us about this. Does that mean if someone else doesn't have a library, are they going to be able to use our books that we have had to pay for? So we have made this as clear as we can in speaking to people. The libraries will be kept as they are now or as you wish them, but near Detroit—perhaps some of you have read this in the Detroit papers—there are some small suburbs or communities which haven't been able, they have



felt, to support a library, and if they wanted to use books in the Detroit library they had to pay a very large fee. So Detroit has arranged with 3 of these communities that the community pays a certain amount to the Detroit library and then the Detroit library gives the residents of those areas library cards and they may use them. Birmingham is doing the same. I had a letter from the librarian in Birmingham and they are doing the same with neighboring communities who can't afford to keep the library that they would like. I also had a letter from Petoskey, I think it was. There are 5 communities around the Muskegon area who have gone in together so that they can purchase these more expensive books and have them available for their people. So it will be done in different ways but we hope by eliminating this particular provision—for instance, a village library can't get any state aid at present, it is just cities and townships the way we have it—we have eliminated any particular locality so anyone who wishes may have a library of their own. They may combine together the different ways in which they can do this.

Also I would like to leave this last word for you: in a way, this is not earmarking funds in the way we have been talking about the highway funds and the school and municipality funds. These are not taxes. No one pays these as taxes. These are fines that are collected by justices of the peace and so forth. We have provided in our first constitution that such fines shall be used for libraries. It isn't going to save anybody's taxes if this is done. Now, I think most of you know that the highways have up in the 200 millions of moneys which they get. The schools get a somewhat lower sum. The penal fines—and a number of people have asked me about this—come to \$2½ million or \$3 million, sometimes a little over a million, but usually about \$3 million a year. These fines are ones that are paid by people who have violated laws. They are sent to the county treasurer, then they are passed out for the use of the libraries.

We have tried to find what the effect would be on the libraries if the penal fines were discontinued, and there are a great many libraries in the smaller, rural communities who would not be able to go on. In all communities, with the taking away of penal fines, libraries would have to call on their local township board or their local county or their city government for appropriations. Many of the city governments already appropriate money for their libraries, but they gladly accept the penal fines. So it means in every case of a library, there would have to be money raised and it would be out of the 15 mill funds, which limit our counties and our townships today. So every library which has contacted us, local officials, have all asked to have the penal fines retained, at least until there is some provision for replacing them.

A few weeks ago Mr. Van Dusen was speaking on something we put in the constitution. It was on this backing of school board loans. He said we should keep this for the time being. He urged us to vote for it and then he said if we don't need it later we can take it out. The way our committee feels about this, these penal fines—many libraries were filled up in the 1840s or 1850s, before the civil war on the basis of these fines and expected them to continue—until we have some other means, we urge you to keep this provision in the constitution.

**CHAIRMAN POWELL:** Thank you, Miss Andrus. Mr. Bentley.

**MR. BENTLEY:** Thank you, Miss Andrus. Mr. Chairman, I would like to commend the work of this particular subcommittee, not only the chairman, Miss Andrus, but the work of her members, the gentleman from Garden City, Mr. T. S. Brown, the gentleman from Pontiac, Mr. Kuhn, the gentleman from Detroit, Mr. Faxon, the gentleman from Hancock, Mr. Heide-man. Mr. Chairman, at this time I would be glad to yield for questions to either Miss Andrus or myself. If there are no questions, I will be glad to yield the floor for the amendment procedure, if such is in order.

**CHAIRMAN POWELL:** Are there any questions to direct to the committee?

**MR. BENTLEY:** I yield the floor, Mr. Chairman.

**CHAIRMAN POWELL:** Mr. Bledsoe.

**MR. BLEDSOE:** Mr. Bentley, do these fines that are re-

ferred to by Miss Andrus include the fines from ordinance violations, too?

**MR. BENTLEY:** They only include the fines, Mr. Bledsoe, from state laws, not municipal ordinances. That has been so held, I understand, by the courts.

**MR. BLEDSOE:** Just one second. Do I understand that they include township ordinances?

**MR. BENTLEY:** I believe I am correct in saying I believe they do. I was referring most specifically, of course, to city. I am not sure about that though. Does Miss Andrus have the information on that?

**CHAIRMAN POWELL:** Did you get the question, Miss Andrus?

**MR. BLEDSOE:** May I add further—

**MR. BENTLEY:** May I have the answer to your first question, Mr. Bledsoe, if Miss Andrus knows it.

**MR. BLEDSOE:** Thank you.

**MISS ANDRUS:** Mr. Bledsoe, as I understand this, if a township is permitted to pass ordinances, those come under their own provisions, but in most of the townships the rules that impose fines for violations are paid into the county treasury. If, however, they have the power to pass a local ordinance, then that is a "parallel ordinance."

**MR. BLEDSOE:** Do I understand then that would be for revenue, fines for revenue? Would that be included? Would that make those fines for revenue? Can you answer that, Mr. Bentley?

**MR. BENTLEY:** As I understand, that would be the case, yes. But those fines that are so considered as violations of ordinances coming within the court interpretations are specifically earmarked for the support of the local libraries.

**MR. BLEDSOE:** Why were the traffic court fines in cities excluded?

**MR. BENTLEY:** Because of the interpretation again. It is my understanding violations of city ordinances would not be considered as penal fines within the present meaning of section 14.

**MR. BLEDSOE:** Do you have an opinion on that by somebody?

**MR. BENTLEY:** Well, I believe it has been held by the courts. I am sorry, Mr. Bledsoe, I don't seem to have a particular opinion to cite you on this case. It is my understanding that they have been held, however, not to be penal fines within the meaning of the section.

**MR. BLEDSOE:** Mr. Chairman, may I be permitted sufficient time to prepare an amendment?

**CHAIRMAN POWELL:** Ladies and gentlemen of the committee, I believe there are 2 delegates that have something to contribute. Mr. Ford has been on his feet for some time, and now, Mr. Kuhn. Mr. Ford, does yours relate to this matter, or do you have something to report?

**MR. FORD:** Mr. Chairman, first of all, I am a little bit appalled at the direct answer from both Mr. Bentley and Miss Andrus, which is incorrect. No township in the state of Michigan keeps one penny of any fine or costs collected by its courts. There isn't any equivocating about this. We have the power to pass almost any police type ordinance—in the townships over 5,000, at least—that a city can. I personally have drafted over 50 ordinances for townships now in effect, and I know of not one single penny that is returned. I wanted to set the record straight on this. The question of penal fines had been interpreted in this state to mean penal fines from the violation of a state statute, period.

Now, this has gone on, however, to townships because there isn't an inherent home rule situation such as you have in the cities; and because of the fact that a township has no inherent home rule powers, the court has held that even though it adopts an ordinance, this ordinance can in no way conflict with a state statute, and it is adopted pursuant to a state statute, and to a specific empowering ordinance, and the ultimate result is that the township pays all of the costs and all of the fines from its courts. If I might be privileged to take the floor again as soon as Mr. Bentley finishes, it happens that I have the actual statistics available—and have been waiting for some time to present them—to show exactly what this means in my county.

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I appreciate the contribution of the distinguished expert on local government, the gentleman from Taylor township, Mr. Ford. May I ask him one question though, and that is this: since he is an expert on this particular matter, is it not true, Mr. Ford, that the fines collected in your township do go to the support of your county library?

CHAIRMAN POWELL: Mr. Ford.

MR. FORD: Yes. My township contributed last year \$60,000 out of a total amount in the whole county of Wayne, including the city of Detroit, of \$219,000.

CHAIRMAN POWELL: Miss Andrus.

MISS ANDRUS: I would like to say something to what Mr. Ford just said. Probably most of you are finding this a rather complicated problem. That is what our committee found, and there was much conflicting evidence. However, there are, as I understand, 3 townships which are called charter townships. There they may pass their own ordinances, as chartered cities may do. So if what I said caused some confusion, I didn't want to say all townships because there are 3, Mr. Ford, that are excepted.

CHAIRMAN POWELL: Thank you. Delegate Kuhn.

MR. KUHN: I was just going to say to Mr. Bledsoe, Mr. Chairman, that the case in question that gives the ruling is Delta County vs. the City of Gladstone, and in that case it said—like Miss Andrus says—if it is a charter township it can keep the money, and if it is a city with parallel ordinances, it can keep the money, but all other ordinances and state laws shall be used in support of these libraries and that will be spread out on a county basis to be divided. Does that answer your question, Mr. Bledsoe?

CHAIRMAN POWELL: Mr. Bledsoe.

MR. BLEDSOE: I presume that that is the interpretation as the law is now?

MR. KUHN: Yes, sir. That is correct.

CHAIRMAN POWELL: Delegate Bentley.

MR. BENTLEY: I believe, Mr. Kuhn, that was a supreme court ruling of 1943?

MR. KUHN: That is correct.

CHAIRMAN POWELL: Delegate Higgs had asked for the floor. I don't know whether this pertains to the same matter. Delegate Higgs.

MR. HIGGS: I beg your pardon, Mr. Chairman, did you ask me a question?

CHAIRMAN POWELL: I was asking whether your contribution related to the matter immediately under discussion. There seems to be this question here and Delegate Goebel was also on his feet.

MR. HIGGS: I will yield to Delegate Goebel. My comments have to do with an amendment that is with the secretary.

CHAIRMAN POWELL: Delegate Goebel.

MR. GOEBEL: Mr. Chairman, I would like to ask Delegate Bentley a question, through the Chair, just in order to make sure in my own mind. I am referring, Mr. Bentley, to the last clause in that particular section, "as provided by law". Could the legislature, by any chance, provide legislation that would call for the revenues from, or fines from parallel ordinances to be included and contributed to the libraries?

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: I presume, Mr. Goebel—and I am not a lawyer—but it is my own personal opinion that if this section did not so specifically prohibit it and the legislature was so disposed, it could. I say I am not a lawyer and there may be some question of the home rule provision in here, but in my interpretation, if the legislature wanted to, in view of the language which we have suggested, it could do it.

MR. GOEBEL: Mr. Chairman, may I ask: is there an attorney in the hall who would care to express himself on this matter?

MR. BENTLEY: Mr. Chairman, we have a distinguished legal counsel on the committee on education and whether the gentleman from Ann Arbor, Mr. Bonisteel, feels called upon to speak on this or not, I don't know. We educators and non-

educators always look to him for legal interpretations in our committee.

CHAIRMAN POWELL: Mr. Bonisteel.

MR. BONISTEEL: Mr. Chairman, I think we can shorten this up. Mr. Ford didn't mention the fact that there is an amendment on the secretary's desk to take care of this situation. It seems that we are perhaps wasting a lot of time on it.

CHAIRMAN POWELL: Thank you for that suggestion. I am advised that there are probably 3 or 4 amendments and the first in the sequence of filing is Delegate William Hanna's amendment. And so if Delegate Higgs will yield the floor until we dispose of this first one—Mr. Mosier.

MR. MOSIER: Before you go to an amendment, I have a question that I would like to present to the chairman of the committee. The proposal is as follows: "The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state." It has been explained here, as we know, that the first moneys received by the county treasurer are devoted to the law libraries. They are the libraries in the court house that contain the law books, and the allocation of those funds, as you know, is by statute based upon population of the county. Now, the question that I am proposing to the chairman of the committee is this: is it intended that the law libraries are public libraries?

CHAIRMAN POWELL: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I will say to the gentleman from Dowagiac that the committee did not so intend it, but I would remind the gentleman that one of the pending amendments covers specifically that point, and he may wish to address himself further to the question after that particular amendment has been read.

MR. MOSIER: Thank you.

CHAIRMAN POWELL: In view of the comment by the chairman and the suggestions of Delegate Bonisteel, probably many of these matters that are being brought out in your questioning would be taken care of if we proceeded to consider the amendments which have been filed with the secretary. May we have the amendment by Delegate William Hanna.

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

1. Amend page 1, line 12, after "laws" by inserting "and municipal ordinances"; so the language will read:

All fines assessed and collected in the several counties, cities and townships for any breach of the penal laws and municipal ordinances shall be exclusively applied to the support of such public libraries, as provided by law.

CHAIRMAN POWELL: Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, speaking to this amendment, the original history of this was in the early constitution at a time before we envisioned the effect of the home rule city provision of 1907. Now, we have enlarged that, the legislature has enlarged that to allow charter townships to retain their fines from the so called charter township ordinances in the same manner as cities. What is happening about the state is that townships are incorporating as cities, that the bulk of the penal fines are collected under city ordinances. Many of these city ordinances are merely copies of state law and under provisions of the state law are now adopted merely by reference. For instance, the state traffic code in a great many cities is merely adopted by reference and is a verbatim copy of the state traffic laws. This applies to many other ordinances. If we are to earmark penal fines, then we should return to the original philosophy and earmark penal fines whether by state law or local, municipal ordinances, and that is the purpose of this amendment, to put this clearly before us.

Now I know that the cities will holler because this in effect reduces the funds available to operate their police and other inspection departments. However, I see no reason why we at this convention should discriminate against townships and counties and allow the cities a special privilege with regard to the support of libraries. In all fairness, either this should be retained and applied to all penal fines—whether under state law or city ordinance—or it should be eliminated entirely and other means found, such as earmarking some of the sales tax for libraries.



**CHAIRMAN POWELL:** Delegate Ford.

**MR. FORD:** Mr. Chairman, the Hanna amendment, with a slight variation in language, is the intent and purpose of the amendment presented by Mr. Brown, Mr. Iverson and myself, and if Bill Hanna doesn't mind the unusual company, we would like to join with him in sponsoring his amendment and withdraw ours. (laughter)

I would like at this time to support this principle and present a few things for our thought here. First of all, the only way that I can form an opinion on the effect of this is to attempt to get some examples of what is actually happening. I might say that someone mentioned a few moments ago that they thought that this language in the statute was going to free the hands of the legislature to do something about establishing equity in this regard. I don't think there has been a session of the legislature in the last 10 years in which the townships have not appeared before the legislature, or at least before committees of the legislature, and asked it to do something similar to what we are doing here, either to require that all fines from all sources go to the libraries or that some kind of system be worked out so that the proportion of the fines going to the libraries is the same whether you are called a city or whether you are called a township.

Using Wayne as an example, I would like to point out what is actually happening. In Wayne county we have 30 municipalities; we have 14 townships and 25 cities, including the city of Detroit. Taking the 10 largest of the 14 townships, they contributed, in fines, to the library fund of the county of Wayne last year \$125,176. The total contribution from all 30 municipalities is only \$219,000. So you will see immediately that approximately  $\frac{1}{3}$  of the total income to the libraries in Wayne county from this source of revenue is coming out of townships which by the very nature of their large populations, cannot be expected to remain as either pure townships, short of charter townships, or stay away from becoming home rule cities. I can give you some more specific examples. I have the figures here indicating that in 16 of the municipal courts outside of the city of Detroit in western Wayne county, they grossed, last year in costs, \$565,000. Now, if you take some of these cities—and I will take some that I don't represent as a delegate here—Allen Park, which last year took in someplace in the neighborhood of \$122,000 in its municipal court, paid to the library fund \$1,100. The city of Detroit which, by the testimony of Judge Watts before the judicial committee, last year turned over \$5 million in its traffic and ordinance division, contributed to the library fund of Wayne county, \$49,198 from the recorder's court and \$18,279 from the traffic court. That's with a population of  $1\frac{1}{2}$  million people, while these little townships down here—and let me give you some of them—Taylor township last year gave as its portion of the total, \$39,000; they gave a total in fines and costs to the county of \$70,000, roughly \$71,000; Redford township, \$17,000; Nankin township, \$25,000; Huron township—which has only 8,000 people in it—gave \$2,055; the city of Dearborn, with 100,000 people, gave \$1,134; and the city of Lincoln Park gave \$690.

Now, I heard somebody pop up over here and say, "But it's got its own library." I am informed that 5 of the municipalities in Wayne county have their own library, independent of the Wayne county library system. And I want to be fair and say that it is my understanding that the city of Detroit spent on library and allied facilities, very close to \$4 $\frac{1}{2}$  million. Mr. Iverson had the figures on this. So I am not saying that the city of Detroit is getting a free ride from the rest of the county because they maintain their own library. The city of Dearborn, I think, also maintains its own library, and before John McCauley gets up, the city of Wyandotte does too. I'd better take care of Highland Park. Now, this takes care of a few of the dissenters, I guess. The point that I think is most important to us here is not just a question of the inequity of the present language as it has been interpreted, but also the very serious question about whether we should allow the libraries to continue the false security of relying, particularly in our county, on a fund that is just going to extinguish itself.

Now, if you have any townships with the kind of population growth that is going on in the outcounty portion of Wayne

county, you will recognize that the growth there is such that we are going to be forced into some kind of home rule that is going to put us in the same status with the rest of them. I don't argue that the city of Allen Park or Lincoln Park or any of the others should not be able to keep the fines and costs to maintain their police departments or to maintain their own local library, but it does seem to me to be very inequitable to have 25 out of 30 municipalities receiving the same per capita allocation for the maintenance of their local library through the county library system—if they want it, it is available to them—as the 10 townships that are actually carrying  $\frac{1}{3}$  of the total burden. In other words, in a county of 2 $\frac{3}{4}$  million people, you have got 234,000 people ostensibly carrying the ball on this. Admittedly, these are fast statistics, and like all statistics there are different points of view, and what value you place on them. But I don't think anybody can challenge the fact that what is happening in Wayne county now and what we know is going to happen in Macomb county and Oakland county and out in Genesee county and other places, and when we talk about earmarking and talk about earmarking fines with the same language we had in the 1908 constitution, we are kidding ourselves, because we are not earmarking much of anything.

As these areas become incorporated as cities, they no longer contribute and we are saying to the library people,

Rely on this; don't go after some other form of legislation to support the libraries, take second best because the legislature will always answer your demands for more library funds by saying, "But you get the fines. Why worry?"

And then we are ready to fall into a situation where before this constitution is 10 years old, there will be at least 1 county where this library fund isn't going to amount to \$5,000 a year. And this does not seem to me to be a farsighted approach to the solution of the problem that has existed for many years as a result of the provision now in the constitution, as warmed over, slightly modified, but significantly the same as presented to us here today.

**CHAIRMAN POWELL:** Ladies and gentlemen of the committee, for your information, as I understand it, Delegate Bentley has reserved the floor to answer questions through himself and Miss Andrus. I have other delegates whom I have noted arise, Delegates Mahinske, Ostrow, Mrs. Cushman, Faxon and Miss Andrus. I shall call upon them now and then Delegate Madar.

Delegate Mahinske, you are recognized.

**MR. MAHINSKE:** I am afraid that Mr. Bentley could not answer this question and I would have to direct it to either Mr. Danhof or Mr. Ford. Now, not too long ago I was down in the judiciary committee and we were talking about the 5 tier system of judicial courts that this committee was talking about setting up. As far as Wayne county was concerned, one of the basic rationales or justifications for setting up this new system was the fact that the division of recorder's court, at least, called the traffic court in the city of Detroit, would be thrown into the county system and all the revenue from that court would go to maintain the county judicial system. Under this proposal that we have here, the revenue from the traffic division of the recorder's court would be diverted to the library fund, and I just wonder what that does to the argument for the proposed plan that the judiciary committee plans to come out with.

**CHAIRMAN POWELL:** Judge Dehnke.

**MR. DEHNKE:** Mr. Chairman and members of the committee, there are thoughts I'd like to suggest; one is, I still haven't gotten over my surprise that I felt when I first realized that some people were thinking of this appropriation of penal fines to libraries as a form of earmarked funds. I realize, for the second point, the importance of what has been involved in these municipal ordinance fines, and I am a bit worried about that coming into this discussion. This related originally to the question of libraries, and it is true, as has been said by others, that the smaller libraries feel a deep interest in what happens on this proposal.

I am concerned, lest this little group of small libraries become buried and smothered to death under the contending titans that are now starting a big football game over whether or not municipal ordinance fines shall go into this fund too. I have heard that if that were done it would supply a much larger sum of money than is actually required for the support of libraries. So if that is to be done, perhaps there should be something else added which would give the legislature some discretion about applying those funds to the extent that they are reasonably necessary. But I hope, Mr. Chairman and delegates, that the libraries which were originally so deeply interested in maintaining this proviso, are not hurt by the controversy over these municipal ordinances.

CHAIRMAN POWELL: Before I recognize another speaker, may I direct a question to Delegate William Hanna? You may have heard the suggestion from Delegate Ford, I believe it was, that if acceptable to you they would join in sponsorship of your amendment. I believe there was an amendment filed by Delegates Ford, T. S. Brown and Iverson, which was in essence the same as yours, but did spell out more detail. Are you agreeable to accepting them as joint sponsors of your pending amendment?

MR. W. F. HANNA: Yes, sir.

CHAIRMAN POWELL: Then I believe Delegate Mahinske had the floor to ask certain questions. Are you satisfied with your answers, Mr. Mahinske?

MR. MAHINSKE: I had not received any answer.

CHAIRMAN POWELL: Mr. Iverson.

MR. IVERSON: I would like to attempt to answer Mr. Mahinske, and I think perhaps I can. I think your question, Mr. Mahinske, was—would you repeat it again so I know? I think I can answer it for you.

MR. MAHINSKE: When I was contesting what was proposed in the judiciary committee, as to taking the division of recorder's court, the traffic court, out of the city system and putting it in the county system because the county, overall, needed this revenue, the \$5 million revenue from traffic court to take care of other contingencies and so forth, now we are not even making this available under this present proposal.

MR. IVERSON: The answer to that, Mr. Mahinske, it seems to me is this: you heard some discussion, but I think at the time you heard the discussion there were some changes in the setup of the lower level of courts in our committee, and that was left pretty much to the legislature, but with the suggestion that we still desired that fifth tier of courts. So far as Detroit is concerned—and I realize that this question came up in our committee—that the traffic court of the city of Detroit collects in fines something slightly in excess of \$5 million, but I believe Mr. Ostrow was ready, with his book over there—and I had talked this over with him—and it seems to me to be no problem so far as Detroit is concerned, because if you notice their appropriation for libraries, it is some \$4,600,000. So I see no problem so far as Detroit traffic court is concerned.

Now, the more important thing, it seems to me—and this discussion was had in the judicial committee—was the desire, and I don't think there was any dissenting vote among the members of that committee, to attempt to get our court structure in a position where it was not based upon fees or that there was no particular desire on the part of a judge, whether he was municipal or otherwise, to impose fines because of a particular reason other than that presumed by the statute or the ordinance and I believe I speak for all of that committee, that was primary in our minds. I think, so far as I am concerned personally, the important thing, so far as these fines are concerned, they should not be imposed for the purpose of creating revenue for the city or the state or any other branch of the government. And it seems to me—and that is one reason I let my name be on this amendment—only logical that these fines of municipal ordinances should go to the library fund, the same as those on the penal statutes of the state. I am not concerned about the fact, as the Judge raises here, that there will be too much money. I have my doubts about that, because it seems to me that the libraries, the law libraries and

the individual libraries in the counties and cities need assistance, and I see no problem there at all.

MR. MAHINSKE: I wonder if either you or Mr. Ford have a distribution of the figures of the \$5 million that traffic court turns over now. Just what is that money used for?

MR. IVERSON: Mr. Chairman, Mr. Ostrow has that.

MR. MAHINSKE: What I am trying to point out here is, is it merely going into the general fund that is being used for other purposes such as possibly welfare, public health, and so forth? Now by earmarking these—and this is what we are doing, we are earmarking these funds—at least these services that they are being used for now are going to have to be supplemented from somewhere else, and I am just wondering where this is going to come from.

CHAIRMAN POWELL: Mr. Ford.

MR. FORD: All right. Here is the breakdown of the roughly \$5 million from Detroit. State cases, the kind of cases that we are talking about that would end up in front of a justice court or, as a matter of fact, in the recorder's court proper, for violations of a felony, there was \$227,486 last year. That is broken down in this fashion: \$196,000 of it was court costs, which goes to the county general fund; \$49,000 and some odd dollars are actual fines, and that is the only part of this \$227,000 that now finds its way to the library. There are city ordinance cases, general funds, city of Detroit, \$4,589,000. Some place here, we should have a figure on the libraries, but it is my recollection that the city of Detroit now appropriates, out of its general fund, slightly in excess of this \$4½ million for the maintenance of libraries and library services in the city of Detroit. So that as far as the city is concerned at this time, this would have no significant effect on it. In other words, you are putting it in the general fund and then you are allocating \$4½ million. If we earmarked the money, it would go directly over there.

Now, the only way that this could be affected is if something happened in Detroit so that the amount of traffic fines suddenly went higher, you might end up with a surplus, but I might call your attention to the fact that as a result of a very efficient police department—and this is my opinion—and as a result of a very stringent traffic enforcement, this revenue is coming down a little bit each year, rather than going up in proportion to the population, and nobody questions the fact that the population in Detroit is not growing as fast as the rest of the area. So that there is no real sound reason to expect that this is liable to skyrocket out of proportion and result in a bonanza to the libraries to the detriment of other services in the city of Detroit.

MR. MAHINSKE: Except to the detriment of the services of the public libraries in the city of Detroit. By your very figures that you just gave, it seems to me that the city of Detroit is using all of its own ordinance fines for its home library system. In other words, they are taking the whole pie and they are using it because they need it. Now, if you are going to split this up with some 30 or 40 civil divisions of government in Wayne county, it seems to me that the city of Detroit is going to get something substantially less than the \$4½ million that it needs for its own library system.

MR. FORD: I submit to you that you have a good hypothetical proposition, but if we adopt county home rule in Wayne county, this is exactly what they might end up with.

MR. MAHINSKE: This is based on "if" also.

MR. FORD: Well, there is another "if" involved. If we are going to abolish the justice of the peace in 5 years, then this \$125,000 that I was talking to you about is out the window anyhow.

MR. MAHINSKE: But that still does not answer the immediate proposition that by adopting this amendment that we have in front of us, the city of Detroit would be turning over the \$4½ million it is using, that we can assume that it needs, and getting somewhat less than that in return.

MR. FORD: Well, since the city of Detroit has a guaranteed majority on the board of supervisors, I can't conceive of a situation where that county is going to take \$4½ million away from Detroit and give it to somebody else. I don't think they are going to leave the Wayne county library by itself.

The intent of the committee appeared to me to be the support of a statewide library system and not have a Dearborn library and a Detroit library, and a Taylor township library, but a library system available to all people of the state. If this is what they really meant, then we are saying, "Let's finance it equally by all people of the state," and let's quit having these artificial lines in between, and let's make the Detroit library system a part of the Wayne county library system, and make the people in the outcounty part of Wayne, surrounding Detroit, pay their fair share, along with the people of Detroit, for using the library.

**MR. MAHINSKE:** What you say you can't conceive of happening in Wayne county, we see is happening in the state as a whole, in the areas of contributions back on sales tax. We have Wayne, Oakland and Macomb county getting less back than they pay in and other counties getting up to 6 times as much back as they pay in. So this is no argument, as far as I am concerned, that you can't conceive of this happening in Wayne county.

**MR. FORD:** Let me point out to you that the money does not get paid into any kind of a state library fund. It goes directly to the Wayne county library. It doesn't get out of the county. You are not going to be sharing any Detroit revenues with anybody except the other residents of Wayne county.

**MR. MAHINSKE:** True, but then the Detroit library system just becomes another member of the Wayne county library system.

**CHAIRMAN POWELL:** Ladies and gentlemen of the committee, I have some 9 people listed who have sought recognition, but I believe that Delegate Hanna, who is the principal sponsor of the amendment, should have recognition. Do you wish to be heard, Delegate Hanna?

**MR. W. F. HANNA:** I would like to speak to Judge Dehnke's objection. I think if you read this language, it provides that this money will be used for library purposes as provided by law, and if this money becomes such a bonanza, as Mr. Ford mentioned, this says that a "library shall be available to all people." The legislature could by law provide that some of this money go into school libraries, which would be available to all people, and thus would help out and relieve some of the burden in the educational system and our universities and so forth. I am not perturbed about this.

To Mr. Mahinske's objection, I would appreciate it if the city of Detroit would remit a couple of fines that I paid to them for my local library, because I very seldom get to use the local library, but I occasionally pay a fine in the city of Detroit.

**CHAIRMAN POWELL:** Mr. Bentley.

**MR. BENTLEY:** Mr. Chairman, I am not going to prolong this debate. We are listening to a very interesting preview on the subject of home rule here. I am beginning to think that we should have deferred this proposal until the proposals from the committee on local government were finally disposed of once and for all.

What I am saying is this: I think all of us want to see public library services extended throughout the state. I think we all want to see these public library services available to the public, financed and supported by the legislature or local government in the best way possible. My only concern with respect to the Hanna amendment is this: we have, Mr. Hanna, about 12 cities—I think there were 15 cities surveyed—there are 12 of those cities within the medium population bracket, say 10,000 to 50,000, that do have city ordinances but that already contribute to their local libraries more than they get from all the collections of their city ordinances. My only fear, sir, is if your amendment prevails will these cities being thus forced to turn over the revenues from the violations of their own ordinances to libraries, then cut off all other forms of local support? I feel this is something neither you nor I would want to see happen.

**CHAIRMAN POWELL:** Next on the list that I had compiled here of those who desired to be heard was Delegate Ostrow.

**MR. OSTROW:** Everybody has quoted me so much that I have nothing left to say. (laughter)

**CHAIRMAN POWELL:** Mrs. Cushman.

**MRS. CUSHMAN:** Since there have been some facts raised about the Wayne county library financial setup, I thought I might try to clear it up somewhat. Actually, over half the revenue of the Wayne county library system comes from the general fund of the county, which would be over half, then, from the city of Detroit, in the way of revenue. Actually, the Wayne county library system is essentially a cooperative system, and many of the central services are paid for by these funds. The Detroit library is on quite a different basis, whereas it actually gets some of the millage from the 15 mill business and it is considered a school library and therefore that millage comes out of what others the schools would get in Detroit. It is a rather complicated setup and I don't think I want to go into all the details but in brief, I don't know whether it would clear up a few points or not. I don't want to defend penal fines as a fair thing.

I agree with some of the comments that have been made, and I don't want to defend them as being adequate for the libraries, but I think in many areas you have got to recognize that they are about all that the libraries had. I certainly am not going to defend earmarking as a principle, but it seems to me if we accept it for the roads and the local governments and the schools, that we are sort of straining at a gnat and swallowing a camel when it comes to these penal fines for libraries. As far as I am concerned, this is earmarking. But I would hate to see us in this convention appearing to go for earmarking for every single pressure group except libraries. It seems to me that this might leave us open to the charge that we took the earmarking off for the one group that was perhaps the most defenseless group, the one with the smallest lobby and, therefore, I would rise to support the committee's original proposal and let's leave it as it is without getting it more confused by any amendments.

**CHAIRMAN POWELL:** I am assuming that those who have asked recognition desire to speak with reference to the William Hanna amendment, and I will call on them in that order. If any of you have another contribution to make, you can reserve your time and I will leave you on the list. The next name I have is Delegate Faxon.

**MR. FAXON:** Thank you, Mr. Chairman. I am a member of the subcommittee that helped to draw up this proposal, and I just want to point out to you that this proposal was a product of much time and work, not only for members of the subcommittee, but we had people from the attorney general's staff, from the library commission, and the library commissioners and the librarians, and we went over this hassle many, many times, so that we would be very clear as to what we mean and as to what the intent would be behind it. I wouldn't feel right if I didn't in some way defend the Detroit public libraries here for what has been alluded to be a system whereby funds are being diverted for that library and Detroit wants a public library that just services the city of Detroit.

We heard from Mr. Ulveling, the director of the library, and I was interested in noting that the services of the Detroit public library are not only made available to the people in the county of Wayne, but they are made available to the entire state of Michigan; they conduct a considerable service for the whole state. He indicated that they loan out books to cities and to various other places, as far up as the upper part of the northern peninsula, so I just want to indicate that the Detroit public library service is a state service, and the amount of penal fines that actually go into it are very small compared to the total cost. If it is even \$250,000 or \$300,000, it is still a small part of the total \$4½ million to \$5 million budget.

The actual case in the penal fines, at least as far as our committee is concerned, is not so much a question of Wayne county suffering here, it is a question that there are many counties outside of Wayne that depend to a great extent for their support upon penal fines. And for those of you who are delegates representing counties such as Alcona, Branch, Cass, Genesee, Gladwin, Ingham, Iosco, Arenac, Jackson—and I could go down the whole list—you would find that a large percentage of the moneys that goes to support the libraries in those counties are derived from penal fines. So I don't want

you to just look at this as a question that concerns Wayne county. Certainly the penal fines are more important in their support of library systems where there is no other or, in many cases, where there is very small level of support in the out-county area, in the rural areas where penal fines do make up a large portion of the budgets for the libraries.

I would urge your support for the committee recommendation, because we did go over this question of municipal fines, and I am sure Miss Andrus will add to my comments on this question. I would urge your support for the committee proposal and opposition to the Hanna amendment.

CHAIRMAN POWELL: Miss Andrus.

MISS ANDRUS: Mr. Chairman and members, I asked to speak quite a while ago because there seemed to be a misunderstanding of 2 things about Wayne county. Mr. Iverson, however, has somewhat answered those.

I am not surprised that some of you are confused. Our committee was very confused about the penal fines until we had done a great deal of studying and investigating about them. I would like to say this—it is just filling out what Mr. Iverson said—I have figures here from the state library. For Detroit—I believe this was for the year 1959—they didn't separate the Detroit fines from the fees, as they are paid in. That is for Detroit ordinances. So all we know is that there were \$5,119,629 paid into the city treasury under fines and fees.

The city of Detroit or the board of education, as Mrs. Cushman said, supported by the taxpayers of Detroit, appropriated \$3,988,253. They received in penal fines—that is the county fines—\$132,318. Now, someone just said—and I don't know whether it was Mr. Ford and he misspoke himself, because he knows a lot about this, or whether it was some other delegate—the money was going to the Wayne county library. Now, they were talking about Detroit at the time, and Detroit gets \$132,318 of the penal fines. You see, the penal fines don't go to the county library. As I said before, they go to the county treasurer and then the county treasurer allocates them among the different libraries.

I think it is quite clear from what has been said that most of the cities appropriate about as much to their library as they get in fines or much more. If they want a good library they have to appropriate more, and most of the cities are doing it. The difficulty today is with the small, rural libraries, the small communities who would have no service if we did not have this.

Now, I am really very interested in libraries. I think it would be fine to get more money for them. I had not planned to say this, but I think now I should: in the 1907 constitutional convention they argued this question of the city ordinance fines up and down for a long time. They decided against it. They thought it would be simpler to keep it the way it is. It is the small libraries, as Mr. Faxon said, who need these penal fines so badly.

I don't think it would matter if the cities wanted to do it, to have it all included, but I do feel that the cities are already, in most cases, appropriating as much from their general fund for their libraries as they get in the fines which they would be paying in. So our committee, I believe—though we haven't had a meeting since this amendment came up, we did discuss it—we felt it was better to leave it as it was in the 1835, the 1850 and the 1908 conventions. Three different conventions have thought about this and they have felt we should keep it this way. We would like to do the same.

CHAIRMAN POWELL: May the Chair reassure Delegate Judd that you are on my list, but there are 3 more ahead right at the moment. I still find folks rising. The next that I have is Delegate Madar.

MR. MADAR: Somebody just said I am off, so I guess I'll start. First, I would like to take up this little task with my friend, Mr. Ford from the township of Taylor, which I think wouldn't have as much to worry about today if they incorporated. In fact, I believe this is just about where this little green card sprung from.

CHAIRMAN POWELL: Let's not get into personalities, Delegate Madar.

MR. MADAR: We won't, Mr. Chairman. This has been going on for some time, as Mr. Elliott can vouch for. (laughter)

Mr. Chairman, I sometimes wonder what all the delegates think about. For a good many years all I ever heard was—and I am still hearing it—how rotten socialism and communism is, and do you know, we are sort of getting a taste of it here today. They say that when anybody has a lot, in socialism you must split it up amongst the rest, and this is about what we are being asked for here today.

You see, the city of Detroit is quite large and we have been paying for everything over the years in Wayne county—the taxpayers have been paying for all these things. We have been building up everything. This does come into county home rule, as Delegate Bentley stated. We have been paying for these things; building them up, and suddenly a lot of communities who don't like to pay, rather, the taxpayers in these communities that don't like to pay their share of everything that they should pay for, want to get just a little bit more for nothing. Of course, it looks good.

The city of Detroit takes in a lot of money. I grant you that. But we only take in because we are so much larger than all the rest of the communities around us, and we have that many more people. But we try to take care of those taxpayers and those citizens of our city. We give them a library. We have some wonderful libraries there and they cost us a lot of money to support. And what do they want to do? The out-county—a lot of the boys would love to take this away from us. They would like to start making the taxpayers foot the bills out of their own pockets, instead of out of these fines. Oh, yes, they say, "Well, you'll get it anyway." Get it anyway? Well, I have watched what has happened in Wayne county. And incidentally, I was hoping that this might be held over for 2 or 3 days because I am in hopes that in your box tonight you will find a brochure on what has been happening to the city of Detroit in the county of Wayne insofar as our taxes are concerned, to take care of libraries and everything else. We are being imposed on plenty. We don't like it any more than anybody else would, any more than you, if someone asked you to share what you have in your pocket when it doesn't belong to those that are asking for it. We don't ask the big corporations to go ahead and split it up with any other individual. They are asking us to. This brochure is going to tell you what is happening, and I was hoping that you might delay this.

We know that if this money got into the treasurer's office—these fines—do you think for one single minute, Detroit would get its \$4,600,000 to take care of its libraries? Oh, no, they wouldn't, believe me. They would find some way to make sure we got \$2,600,000, and the taxpayers could go jump in the river. They'd have to dig it out of their pockets. And I'm asking you to give us a little bit of help. Let's stick with what the committee came up with. They knew what was right, and let's vote down this amendment.

CHAIRMAN POWELL: Delegate Goebel, did you wish to speak now?

MR. GOEBEL: Mr. Chairman, I do not wish to prolong this debate, but I want to speak against the Hanna amendment by giving you an illustration of what might happen in my city of Grand Rapids, as well as a number of other cities throughout the state who maintain very fine and substantial library systems. We received, in the city of Grand Rapids, \$58,000 in fines, which are contributed to the library system, and in addition to that, out of general tax funds the city supplies \$358,000, to maintain a very fine library system.

Now, if the Hanna amendment is adopted, it will mean that \$810,000, representing fines of local ordinances, would have to go to the library. In other words, \$400,000 more than the city of Grand Rapids is spending at the present time for a very substantial and fine library system, and I submit to you people here in the delegation that if we do this, if we adopt the Hanna amendment, you will give the city library—a fine system as it is at the present time, we would like to make it better, so, we would like to make some of our other services better, but we have a good system—you will be handing the library system in Grand Rapids \$400,000 more than it needs to take

care of a service that is as well handled as any service that the city of Grand Rapids has to offer to its citizens. If this is done, there will then be loaded an additional expense upon the taxpayers of the city of Grand Rapids, to the tune of \$400,000, to maintain the other services which will be robbed by the donation of the \$400,000 or the contribution of the \$400,000 to the library system, which the library system does not need. I am not talking alone about Grand Rapids, because as I look over this list that same thing applies in perhaps different measure to many of these cities.

I do hope that this constitution will not impose such a restriction upon the city of Grand Rapids and other cities in the same boat, by adding a liability of cost or adding to the tax burden in the city of Grand Rapids, particularly, \$400,000, by giving the library more than it needs to carry out a fine program, that they are doing right now. Thank you very much.

**CHAIRMAN POWELL:** The next 2 delegates on the list also come from Grand Rapids, and I wonder if they share the same point of view. Mrs. Judd.

**MRS. JUDD:** Mr. Chairman, members of the committee, it appears to me that this amendment is an effort to kill the libraries by kindness. I consider it an invasion of home rule, and I am not talking about county home rule, but city home rule. This would be an effort, by constitutional mandate, to require the cities to do certain things with their funds. This would be contrary to the home rule principle for cities that was set up in 1908.

I would like to express some concern and perhaps surprise for Taylor township. Mr. Ford, in the first page of his statement, complained that townships do not receive any penal fines, but about 2 pages later he tells us that the libraries in Wayne county would soon suffer because in some 5 years from now there won't be any townships to receive penal fines. This is very good news to those of us on the local government committee, because we have been trying to persuade Mr. Ford for about 3 months that his township of some 50,000 people could incorporate at any time, and he could get out from under some of these township handicaps.

I feel that we have listened to the troubles of Wayne county—and I find there are many different points of view with respect to Wayne county on the part of its own delegates—for a long time, and sometimes they predominate our discussion of statewide problems. I feel that this is a case where, from all the figures that have been quoted, Wayne county can very well take care of itself and we should turn our attention to the smaller townships throughout the state that have little or no other support besides penal fines. And I would like to ask Mr. Ford if he objects to these townships having their penal fines.

**CHAIRMAN POWELL:** Does the delegate care to answer, Delegate Ford?

**MR. FORD:** No, I don't object to any township having its penal fines. This would please me greatly, if you would remove this last section from this provision entirely and let us take care of our own library, because I am satisfied that we have reached a degree of civilization in this state where we no longer have to impose, by constitution, on the officeholders of this state a mandate that they must provide a library.

I might point out, however, that the language that the committee comes out with no longer guarantees—I am glad that I can agree with Mrs. Judd on at least part of what she said. She thinks that there is a tie in here with the home rule and the right of the people in a locality to govern their own affairs, and I agree wholeheartedly with her, and this stems out of the principles that that government is best that is the closest to the people—now, the present provision in the 1908 constitution guarantees that the people of my township, no matter how the county library wants to cut up the cake, are going to have the right to have a library in that township, but the new language presented by the committee would permit the county library to establish a library for my people in Lincoln Park, for example, several miles away, and this would be available to the people. But the guarantee that each township and each city would have a library is removed by the committee.

I would like to ask of the chairman, in that connection, if the committee gave any consideration to what the ultimate result will be if the recommendations of the majority of the judiciary committee are carried out, and the wishes that they are expressing are carried out by the legislature, to the end that they have a county court system that replaces all of the justice courts of the townships and places all of the courts into a single system in small counties that we are talking about.

**MR. BENTLEY:** Mr. Chairman, in reply to the gentleman from Taylor township, I would like to say this: the committee on education arrived at this proposal with no consultation with any other committee, except a request for concurrence from the committee on finance and taxation—which, unfortunately, was not forthcoming. We were not governed by what the judiciary committee, the committee on local government or any other committee had before it. We handled our own business as we saw fit. I would like to say, furthermore, with respect to the gentleman's remark about removing the provision that every township have a library, there is nothing in our proposal that would prohibit Taylor township or any other township having its library, but since today only 1 out of 15 townships in the state of Michigan does have a public library, we saw no reason to continue a constitutional provision which has not been enforced in any respect.

**CHAIRMAN POWELL:** If anyone else wishes to speak, cheer up—maybe we'll get to you. There are only 7 ahead now. (laughter) Delegate Martin.

**MR. MARTIN:** Mr. Chairman, Mr. Goebel and Mrs. Judd have said everything that I would say, and said it better than I could say it.

**CHAIRMAN POWELL:** Thank you. Delegate Seyferth.

**MR. SEYFERTH:** Mr. Chairman, I am forced to speak because my compatriot from the second district is the one that I have to oppose in this instance. I rise to oppose the Hanna amendment for obvious reasons, as has been well spelled out by Delegate Goebel from Grand Rapids. Muskegon's situation is identically the same. We support our own library through our fine systems and we also help support our police force through some of the fines that we generate in that manner, so I oppose the Hanna amendment.

**CHAIRMAN POWELL:** Delegate Follo.

**MR. FOLLO:** Mr. Chairman, members of the committee, I rise to ask you to defeat the Hanna and Ford amendment for this reason: I share with Judge Dehnke the fear that the battle of the giants or titans—whichever he called them—may lose us the support for small libraries, several of which I am acquainted with in the upper peninsula that need this very badly. This is "grass roots" democracy when we get people who are working together on a committee in a community to provide library service for themselves, and are helped by penal fines. In the city of Escanaba we spend about \$42,000 a year on our library, which I think is more than we get in penal fines. I would urge you, for the sake of many small libraries in this state, to vote against the Hanna amendment.

**CHAIRMAN POWELL:** Delegate Bledsoe.

**MR. BLEDSOE:** Mr. Chairman, I have listened with a great deal of interest to my colleagues and I cannot refrain from calling their attention to the work that we are dedicated here to perform. I am going to begin my remarks—and they are going to be very brief—with article XI of our own constitution, and I wish you'd ponder it. This is the article that provides for encouragement of education, which reads as follows:

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.

Now, to me, I cannot disassociate the means of education from libraries. I am amazed that this issue of socialism and division affecting the culture of our people should arise on this floor. If it should occur that any district has more money than it needs from these funds, what about the ugly image that is created in the great cultural states as ours where we have 1 library in 15 townships. That is the image now. Does that



not also coincide with the reason why we are a second class nation in the question of science? Aren't we contributing to that position that we are in today? We are struggling, trying to send a man to the moon or somewhere, and we have become an international second class nation.

I submit, my colleagues, that we are not writing township, necessarily, getting into this quarrel of home rule and so forth, we are blueprinting the constitution for the state of Michigan that will survive, we hope, if we can get past the electorate, for the next 50 years. And I submit that in the 2 positions that we have on the floor here today in the committee of the whole, I am persuaded to believe that the Hanna amendment will more nearly express the type of progress that we should go forth with, rather than to retain the abyss of 1835 and 1908. We must move forward and build libraries, big libraries, big schools, better schools, better libraries if we are to move forward and remove our nation from the position of a second class power in the field of science, and I take my stand here and now with that thesis.

CHAIRMAN POWELL: Mrs. Butler.

MRS. BUTLER: Mr. Chairman and members of the committee, I would like to ask a question, and please don't think I am trying to be funny, because I am not. We have in the village of Houghton, I think, one of the most difficult library systems in the state, and those people that have been working with libraries throughout the state will agree with me. I am wondering what would happen to the village of Houghton library if the penal fines were discontinued, and if you have the statistics, I would like to ask how much is received in Houghton county, Keweenaw county and Luce county in penal fines.

CHAIRMAN POWELL: As I understand it, this isn't exactly pertinent to the pending Hanna amendment.

MRS. BUTLER: Please defeat the Hanna amendment. (laughter)

CHAIRMAN POWELL: I notice that Delegate Andrus is looking through her tabulation there. If I understood the Hanna amendment, it was bringing in more money than less, but the Chair should not comment on pending questions. Does anybody wish to reply to the question or observation of Mrs. Butler? Miss Andrus.

MISS ANDRUS: I am very sorry, Mrs. Butler, Mr. Heide-man had all that information and I can't find it here and he is not here.

MRS. BUTLER: May I say that we are not trying to take the money away from Detroit, because they seem to be afraid that we might get some from them. And we hope to retaliate when they try to take our apportionment away from us in the upper peninsula. (laughter)

CHAIRMAN POWELL: The next delegate on the list is Delegate Suzore.

MR. SUZORE: Since my colleague from Taylor has so often mentioned the name of the city of Lincoln Park, from which I come and which is one of the cities I represent, I would like to answer him by just mentioning to him that I feel that he is trying to attack a problem from behind. He is not happy, and I think the delegates all realize that, that townships now have to pay the penal fines into the library funds, and so he is trying to take the cities in with the townships. I think in being a member of the board of supervisors of Wayne county, and having talked to many of the supervisors of the townships—and most of the townships are in Mr. Ford's and my area of the county—very few, if any of them agree with the position that is taken by Mr. Ford and Mr. Hanna, and I ask, therefore, for the defeat of the amendment.

CHAIRMAN POWELL: Delegate Brown.

MR. T. S. BROWN: I am not going to read to you. Don't get frightened by the book here. I think perhaps a simple exposition of one man's point of view in this regard will clarify a lot of points. I was on the subcommittee for libraries and when we first got together we were all amazed, I think equally amazed, by the fact that pursuant to the terminology of the 1908 constitution the libraries in general within certain portions of the state were not getting a fair shake because the 1908 constitution—and if we start with that—was very ex-

plicit. It said, you will establish a library in every city, in every village, in every township. And then in the second portion it said that all penal fines should go from these various respective political entities into these library systems. Now, this was all very well and good, but since the passage of the 1908 constitution, we on the subcommittee were surprised—or least, I was—to find that since that time there have been several supreme court cases and attorney general's opinions indicating that those political entities that had achieved the status of cities were no longer subjected to this and need not participate if they did not want to in the county library system. Now, basically what happened after that was that you had the cities, when they achieved their independent status, establishing their own library systems. In most cases, I think as testified to by Mr. Goebel and people from Detroit, the city library systems have more than made up for whatever library system they would have had under the unaltered terminology of the 1908 constitution. In some cases, however, this is not true, especially in your rural areas. In your 1908 constitution, you have an exclusive direction that each township shall have a library, and we know, of course, this was never adhered to because as a practical matter each county has a different problem in regard to their libraries, and many areas don't have libraries in each township nor in each group of townships, nor in any particular place that has any logical, cogent reason behind its location.

Now, because each county solves the library problem in its own particular way, the committee on education felt that it would be advisable to generalize the language in the first portion of our proposal, and that was simply to say that because as a practical matter you are not having today a library in every township, we will simply say that we will extend library services so that they will be available throughout the state; that this will encompass those areas where they want to have a small, independent library, and also take care of those problems where they think perhaps a group or area library would be better suited for their needs.

The intent of the Hanna amendment certainly does not change that terminology in the least, and there has been some discussion about it in regard to whether or not this was taking away from the townships their right to have a library if they so choose. But it does not. The only thing that the Hanna amendment does, in all fairness, is take these exempted funds from the municipalities and put them back into the general pool. So that each county will be able to make its own determination as to how many libraries it wants, where they will be placed, and what they will do with the money. That is, in essence, what it does. Maybe, in most cases, it isn't necessary. Maybe, in the case of Wayne county or in the case of Kent county it isn't necessary. In some counties it may be necessary.

Now, someone has indicated that they have surpluses in the library fund within given cities which they use to pay for their police protection. It occurs to me that if a city has a surplus in the library fund which it uses to pay for police protection, it may be doing so at the expense of some other portions of the county. And let's face facts. We are all inter-related. We all depend upon one another. The city of Detroit cannot get along without the outcounty area and vice versa. If we approach the problem from a logical lead, in other words, what does any given county need for its library system, and we have a generalized fund, then I think the Hanna amendment more meets the specific needs, although I certainly have no objection to the committee proposal and I was a signatory to it.

If we simply understand the whole question here is whether or not we are going to allow the counties, as such, to plan on a total structure for their library systems, or whether we are going to allow it to proceed on a haphazard basis, then I think the issue is clear. There is no regression here. The Hanna amendment, I feel, is better than the committee proposal, but the committee proposal is certainly a step forward from the 1908 constitution, and none of the 3 are in conflict.

CHAIRMAN POWELL: Delegate Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, I am wondering if we could ask ourselves how many votes have

been made or lost with all the extensive debate that we have had on this particular question. I am sure many of us have made up our minds as to how we are going to vote at least an hour ago, and I would like to say that even though I do not always agree with my kind Christian friend, Mr. Madar, this is one time when I think he is right. I hope you vote against the pending amendment.

**CHAIRMAN POWELL:** I had reserved a space on this list for Delegate McCauley. I do not see him in the chamber. I have passed his name by and if he is not present, would anybody be interested in hearing the pending amendment? The secretary will read the amendment.

**SECRETARY CHASE:** The amendment offered by Messrs. Hanna, Ford, T. S. Brown and Iverson is as follows:

1. Amend page 1, line 12, after "laws" by inserting "and municipal ordinances".

**CHAIRMAN POWELL:** The question is on the adoption of the amendment. As many as are in favor say aye. Opposed, no. The Chair is in doubt. (laughter) Just give us a second here for folks to respond to the bell.

Mr. Marshall.

**MR. MARSHALL:** If the Chair is in doubt on that one, I will loan you my hearing aid, Mr. Chairman. (laughter)

**CHAIRMAN POWELL:** Thank you, Delegate Marshall. All in favor of this amendment by Delegates Hanna, Ford, Brown and Iverson vote aye. Those opposed, vote no.

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

**CHAIRMAN POWELL:** The committee will be in order. The secretary will announce the result of the vote.

**SECRETARY CHASE:** On the adoption of the Hanna, Ford, Brown and Iverson amendment, the yeas are 37; the nays are 88.

**CHAIRMAN POWELL:** The amendment is not adopted. Delegate Marshall, the Chair stands corrected. Don't say I didn't try to help you. (laughter) The secretary will read the next amendment on the desk.

**SECRETARY CHASE:** Mr. Higgs offers the following amendment:

1. Amend page 1, line 13, after "libraries" by inserting "and county law libraries"; so the language will read:

The legislature shall provide by law for the establishment and support of the public libraries which shall be available to all residents of the state. 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.

**CHAIRMAN POWELL:** Delegate Higgs, do you wish to comment on your amendment?

**MR. HIGGS:** Yes, Mr. Chairman. Speaking to this amendment, I feel that it is necessary to incorporate into the body of the proposal after the word "libraries" on line 13, "and county law libraries" for the reason that some years ago, and not too many—1945—the question came before the Michigan supreme court as to whether or not a county law library was a library within the meaning of the terms "library" or "such libraries" as these terms were contained in the 1908 constitutional provisions. This case is the County of Gratiot against Federspiel, and appears in volume 312 of the Michigan Reports at page 128. It appeared in that particular decision, and the trial court pointed out that the term "library" in the constitutional mandate is not qualified by any adjective and determined, from ordinary definitions of the word, that a law library satisfies the mandate. Now, the Michigan supreme court affirmed the holding of the trial court.

Inasmuch as the committee in its majority report has qualified the term "library" by the word "public", it leaves open the question, certainly, whether or not the county law library, as we know it, is presently within the terminology supplied by the committee. I think unquestionably that being the intent, as I understand it from Delegates Bentley and Andrus, we should make it very clear for the necessity of any future decision. I would say and I would like to anticipate an argu-

ment that very possibly a county law library is not a public library, in the sense in which the usage is implied in the body of the proposal.

The statute dealing with the penal fines and the county library is Michigan Statutes Annotated, 27.2224, and this statute provides that

... every county treasurer shall keep an accurate account of all moneys paid to him on account of fines, penalties and forfeitures, and shall credit all fines for the violation of the penal laws to the library fund, and all other fines, penalties, and forfeitures to the general fund.

And the statute goes on—and I am omitting parts of it dealing with technicalities involving recognizances—that in each county the county treasurer shall credit, semiannually, to a fund to be known as the county law library fund, sums of money. The statute goes on to specify sums of money from the very small counties under 10,000, which is \$750, and to larger counties up to a million of \$4,000. So we are not really talking about a lot of money, but the amount of money involved is in that range, \$750 to \$4,000. The statute also provides with regard to the usage of the library, and I think this is very important to this particular provision:

... for the purpose of establishing and maintaining a law library for the use of the circuit and probate courts of such county, and for the officers of such courts, and persons having business in such courts.

It seems to me that this is the proper usage of the law library. The reason for having the law library is to have it available to the circuit court, the probate court, the officers of the court, and the people having business with the court, and not necessarily members of the general public. I think that does not make it necessarily less of a public matter, but it certainly does not make it a public library in the general sense, because these books must be available during the trial of a case to the judge, to the lawyers, and to persons having business with that court in that particular proceeding. These books must be available when needed in the process of trial, so it is not all members of the general public that are really concerned with that particular matter or with that particular book. These books should not be subject to circulation in the same sense. I point out that because I think there is a very real question as to whether or not the court, faced with this change and I don't quarrel with the change as long as in the last sentence we can include county law libraries, because I think there is a danger that we would exclude them or, at the very least, we would make necessary another court decision in order to interpret what we intended. I would certainly like to hear from any judges or lawyers who might have something else to offer in that regard.

**CHAIRMAN POWELL:** Chairman Bentley has risen. Do you have a rejoinder?

**MR. BENTLEY:** Mr. Chairman, before replying to the gentleman from Bay City, I cannot refrain from making a brief comment on the result of the vote that has just been taken. Some day, Mr. Chairman, I am convinced that some historian will do a study on the various coalitions that have arisen during the life of this constitutional convention. I predict that the coalition which we have just seen in operation will be one that will form one of his most interesting subjects for research.

Mr. Chairman, with reply to the amendment offered by the gentleman from Bay City, it is true that in 1945, as a result of a court decision, county law libraries were held to be beneficiaries of penal fines. Actually, county law libraries have been authorized to use such penal fines as far back as 1921, but that was a statutory decision, I believe, not a judicial one. Mr. Chairman, I can say that the intent of the committee on education was definitely—insofar as I am aware of it—not to exclude county libraries now enjoying revenue from penal fines, from continuing to receive the benefits of such revenue. While I of course cannot speak for the entire committee, I would say that insofar as I am concerned, and since the Higgs amendment would merely clarify something that I believe to be the intent of the committee already, I, as an individual and not

as chairman of the committee, would be prepared to accept the Higgs amendment.

I may say, parenthetically, one word more, Mr. Chairman, and that is this: we have just passed through an interesting and stimulating discussion with advocates of various units of local government. I have not the slightest desire to spend the balance of the afternoon warring with the 56 lawyers who happen to be members of this convention. That is another, and perhaps even more compelling reason for accepting the Higgs amendment with respect to county law libraries. (laughter)

CHAIRMAN POWELL: Miss Andrus.

MISS ANDRUS: Mr. Chairman, may I add to what Mr. Bentley said? I was chairman of the subcommittee. We considered very carefully the question of the county law libraries. Perhaps no one here is familiar with a law library which is in somebody's desk or office locked up most of the time, but that is true in some of the counties in the upper part of the state. We talked this over quite thoroughly. We felt that the provision we have would include law libraries, just as much as it does in the 1908 constitution, but this word "public" might mean that any attorney or anyone who wished to look at these law books and the law publication would feel that he had a right, that they would be open to the public.

CHAIRMAN POWELL: Delegate Pugsley.

MR. PUGSLEY: Mr. Chairman and fellow delegates, I would like to be clear on whether Mr. Bentley is accepting the Higgs amendment. If they are accepting it, then there is no necessity for my taking any time.

CHAIRMAN POWELL: Delegate Bentley, I'll let you respond.

MR. BENTLEY: Mr. Chairman, I remind Judge Pugsley, I said I was only authorized to speak as an individual. I have not polled the committee on their own feelings, but I think that the intent of the committee was that county law libraries would remain included and if the Higgs amendment clarifies the committee intent, again, as I say, as an individual, I personally will accept it.

CHAIRMAN POWELL: Delegate Pugsley, you have the floor.

MR. PUGSLEY: I wish to say this: I am very familiar with the practical use that has been made of county law libraries in more than half of the circuits of the state of Michigan in which it had been my pleasure to preside during the 30 years of my incumbency as a circuit judge. When I went on the bench on January 1, 1930, to preside over the 3 counties of Mecosta, Newaygo and Oceana, I found that the serviceable libraries in those respective counties were very meager, and I soon realized that in the administration of justice it was necessary to have made available for the convenience of the court and for service to the litigants and for the convenience of attorneys and others who might be interested in the proceedings of the court, not a large library, but one that would make it possible for the court to have the references and the principles of law handy at hand. It expedites the work of the court. It is a saving to the taxpayers to have the courts act as expeditiously and as promptly and as accurately as it is possible to do. These libraries have been a wonderful convenience, and from the limited amount of money which has been set aside in the counties which I have served for the purchasing of law books, I feel that the people in those respective counties have received value in return.

We are all interested in the administration of justice, and if we expect our courts to perform their part, and for lawyers to do their duty, they must have the necessary libraries with which to proceed. I thank you. I rise in support of the Higgs amendment.

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: Mr. Chairman, fellow members of the committee, I am not in favor of the inclusion of the words "county law library", not because we didn't consider this but because it is not necessary with the terminology that you have before you. We discussed this in committee of the whole, and if we in our determination here have made it quite clear that we are not eliminating the inclusion of county law libraries when

we talk about public libraries as provided by law, then I don't see any need for us to spell this out. If the lawyers want to spell out county law libraries, maybe we should spell out an elementary school library and an adult library and a technicians' library and an engineering library, and a number of services that we mean when we talk about public libraries. I think the terminology of the committee proposal that is before you, "such public libraries as provided by law" is quite clear; that the exact definitions for what law libraries we mean will be left to the legislature to determine, and that public libraries will be provided for.

But I would object to the inclusion here of a specific form of library in the absence of others, and I would therefore, as a single member of the committee, urge the rejection with the understanding that we do mean the inclusion of law libraries but we do not have to spell it out in the constitution specifically.

CHAIRMAN POWELL: Delegate McAllister.

MR. McALLISTER: I would like to speak in support of Mr. Higgs' amendment. If it weren't for the mistakes we lawyers make in looking up the law in these libraries, there wouldn't be any funds with which to establish these law libraries. (laughter)

CHAIRMAN POWELL: Delegate King.

MR. KING: Mr. Chairman, ladies and gentlemen of the committee, my own concern is with this word "public". If Delegate Faxon can assure me that this does not mean that the county law libraries will be open to the public, in the normal sense of the word, then I would have no objection. But until he can assure me of that—and Delegate Andrus did not so assure me—then I would have to go along with the Higgs amendment. Would you care to comment on that, Mr. Faxon?

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: You want an assurance that we meant to include the law libraries?

MR. KING: Yes, but not as public libraries. They are not so included at the present time.

MR. FAXON: We could take out the word "public" and leave the rest. We have the original language, "such libraries as provided by law" and that might solve the problem.

MR. KING: I think the problem here is not the idea of giving constitutional status to law libraries as such. The problem is the county law libraries are not ordinarily available to the general public, except as they are required by the public in working with the courts in a particular matter. In other words, if you are a defendant in a particular case, you are entitled to use the county law library, but it is not a reading room or a place to browse. I think that unless this is made clear—the only way I see of making it clear is to support the Higgs amendment, and I would so support it.

CHAIRMAN POWELL: Delegate Higgs is next.

MR. HIGGS: I think Delegate Faxon and Delegate King have brought out a good point. I had thought I had covered it but I would like to add to it again that the public interest involved in the county law library is somewhat different than the public interest involved in public libraries as included in the body of the proposal. Inasmuch as the public interest here is in having available to the court these books for the circuit and probate courts and for the officers of such courts and persons having business in such courts—in other words, during the trial of a case or the hearing of a motion or any other proceeding before the court, the public interest is in having those books immediately available, not only to the court but to any persons, with or without lawyers. The primary interest, then, is in having those books immediately available at the time that they may be required. I might have agreed with Delegate Faxon that it should be included within the word "public" as a public interest—I think it is public in that sense—but I sincerely believe that the supreme court decision which I reviewed previously raises some question as to construction, and therefore, rather than have the matter tested in court, it would be a simple matter for us to include these few words.

CHAIRMAN POWELL: Miss Andrus.

MISS ANDRUS: I am sorry to speak again. You are probably all tired of hearing me, but I would like to speak to Mr.



**King.** I thought that I made this very clear, but maybe he wasn't here at the time and maybe some of the rest of you weren't. I agree with Mr. Bentley that we could put those words in, but I think in every committee we have been trying to cut down on words. We have been trying to make things clear, but to have as few words as necessary. There is no doubt at all over the years that the law libraries are considered a part of this library system, and first, before any other money is taken, money is taken out by the county treasurer for the county law libraries.

As I said before, there are some counties where a judge has these references and he has his office locked, and we had complaints and we had evidence that they would like to have it known that any attorney or someone who wanted to use these books would be able to do so. We asked, "Is that going to cost money then? Would they have to build a building?" That wouldn't be necessary.

My county has a very fine law library. I use it a great deal. I am not a lawyer, but as a teacher of government I have used it and many other people do. Don't you lawyers think you are the only ones who are interested in law. The public is, and I think that it isn't necessary; but if you want to put it in, vote for it. It isn't necessary, but we do feel on this matter of "public" that anyone who wishes to use those books might do so there. That doesn't mean they are going to circulate so they are not available to other people, but they should be available to those who need and wish to use them.

**CHAIRMAN POWELL:** Delegate Higgs.

**MR. HIGGS:** I don't want to belabor this point, Delegate Andrus, but when you say that it has always been understood and very clear that this library was part of the system, that is where I take issue, because it has not been very clear and when the question came up, they had to go to the supreme court in order to determine that the county law library was a library in the absence of any adjective description. Now that we do have an adjective description, this raises a further doubt and might possibly precipitate another supreme court decision. I would only hope to avoid that. Inasmuch as you and I do not disagree as to what the intent or purpose is, and we have never had any problem, I don't think, in our county libraries, bar libraries, with the use of these books—members of the public do use them, and there hasn't really been any trouble about it—I do think that we have a chance to avoid going to the supreme court over it again.

**CHAIRMAN POWELL:** Delegate Young.

**MR. YOUNG:** Mr. Chairman, I merely wanted to ask a question in line with the present discussion: are we being asked here to authorize public funds for the use of a library which will not be available to the public? I address that to Mr. King or to any member sponsoring the amendment.

**CHAIRMAN POWELL:** Delegate King, do you wish to answer?

**MR. KING:** Well, I would only say that under the present interpretation of the supreme court decisions on the matter, as carefully reviewed by Mr. Higgs, county law libraries are not open to the public in the same sense that most libraries are, and I think that the reasons for that have also been carefully covered by Mr. Higgs, and I, for one, do not wish to do anything to disturb this particular minute element of the status quo.

**CHAIRMAN POWELL:** Mr. Bonisteel.

**MR. BONISTEEL:** Mr. Chairman and fellow delegates, I suppose that a confession is a good thing about this hour of the afternoon. I am probably the one that caused all this trouble you are having here today because I happen to have been in the Federspiel case, which is the one they are citing here, as to what is the meaning of "library." And, you don't like to say that you took a shellacking in the supreme court, but I took a shellacking in the supreme court in that particular case, so I think I can speak with at least some intimate knowledge about this.

I agree with the committee. I think that the supreme court would say unquestionably if the occasion should require it to be said, that a public library would include a county law

library. But I don't see any point in continuing this argument. I have no objection to the use of the words "law library" if you want to insert it in there, but I still believe that the committee, in its original interpretation, is correct, and I think that the supreme court would sustain that. Of course, the object is not to have to go to the supreme court. So, if we are going to avoid it, without giving way on what I believe to be the opinion of this committee—which I think is sound—in order to end this argument, I would say that I would also agree, as a member of the committee, to allow the use of that language.

**CHAIRMAN POWELL:** Delegate Kuhn.

**MR. KUHN:** I concur in what Mr. Bonisteel had to say, and to eliminate this argument, I think we should accept the Higgs amendment.

**CHAIRMAN POWELL:** The question is on the adoption of the Higgs amendment. As many as are in favor, say aye. Opposed, no.

The ayes have it. The amendment is adopted. The secretary will read.

**SECRETARY CHASE:** Mr. Leibrand offers the following amendment:

1. Amend page 1, line 9, after "libraries" by striking out "which shall be available to all residents of the state"; so the language will read, "The legislature shall provide by law for the establishment and support of public libraries."

**CHAIRMAN POWELL:** Mr. Leibrand.

**MR. LEIBRAND:** Mr. Chairman and fellow delegates, I rise to speak to the purpose of this amendment. By implication at least, the phrase, "which shall be available to all residents of the state," means to me that the service of any library shall be available, free, to all residents of the state, or at least shall be available to everyone on the same terms as offered to the residents of the municipality which operates the library. Now, I feel that this may very well place an undue burden upon existing libraries.

For 14 or 15 years, I have been a member of the board of trustees of the Bay City public library, and this thing operates something like this: we get, for library purposes, in Bay City, about \$108,000 a year, but only 20 per cent of that amount, approximately 20 per cent—it varies from year to year—comes from the penal fines. The other 80 per cent comes by appropriation of the city commission of the city of Bay City from taxable property within the city of Bay City.

Now, we have, adjoining us there in Bay City—and I am talking about other libraries where our situation is not unique. I think all of those who live in cities, particularly industrial cities of any size, will find themselves faced with the same proposition. We find ourselves with a small satellite city bordering on ours, the city of Essexville. We find ourselves fringed and hinged with 6 townships with a population of 30,000 or 35,000 people. Bay City itself has only 50,000. There is a constant demand by these adjoining townships and from the city of Essexville, to be given free library service, and it would be my opinion that under the language which I seek to delete, we might be obligated to provide free library service for these adjoining townships and the city of Essexville. This, with the city of Bay City paying 80 per cent of the operating costs, would be manifestly unfair.

I don't think any library would object to permitting a tourist or a traveling salesman to come into its reading room and look at a magazine or two, but the business of providing full time library service, with the circulation of books, is, as I say, an undue burden. Year after year I have gone to the city commission of the city of Bay City at their budget meeting, and one of the first questions that is always asked of our library committee is this: "Are you providing free service for any municipality other than the city of Bay City? If you are, we are going to reduce your budget because you are getting too much money. We, the city of Bay City, are not obligated to provide library service to these other municipalities, any more than we are obligated to provide fire department service or police department service".

So, I feel that there is a danger in the language that I seek to delete.

**CHAIRMAN POWELL:** Chairman Bentley.

**MR. BENTLEY:** Mr. Chairman, in reply to the amendment offered by my good friend from Bay City, I would like to say that the committee believed that this provision should be in this respect as broad and general in scope as possible. I would like to read to him that paragraph from the committee's supporting reasons which deals with this particular provision which he seeks to delete, and I quote:

The present language emphasizes that public libraries will be available to residents without fixing how or where the libraries themselves shall be organized. The committee presumes that legislation may be written so that each library may make reasonable rules for the use and control of its books.

Mr. Chairman, I think that this matter, which I respect as a problem, perhaps, in Bay county and Bay City, should be handled by appropriate legislation in this respect. I do not think we have to spell it out in the constitution.

I support the language offered by the committee, by making free public library service available to all residents of the state, but obviously we recognize that there must be qualifications, there must be reservations, there must be individual problems which must be met. And I submit that we cannot and we should not try to meet them in this constitution. Let's leave that up to legislative and statutory action.

**CHAIRMAN POWELL:** Chairman of the subcommittee, Miss Andrus.

**MISS ANDRUS:** Mr. Chairman and members, I would like to recall to you what I said about 2 hours ago. We spent a great deal of time talking with the members of the state board for libraries, the state library association, or association of state librarians I believe is their title, librarians from different parts of the state. And I quoted certain cases. Perhaps some of you weren't here when I told this. Detroit is having certain of the communities nearby paying so much in to the Detroit library, and then the people there may have library cards. Birmingham is doing the same. It would be done that way by the surrounding communities paying a certain amount to your library, and all could use it, or they can charge—as Mr. Bentley just said—to the individuals who will use it.

One of the first problems that came up was, people said, "We don't want to have to pay for our library and then have other people use it." We don't mean that by this language. It is not considered, in any sense. That will be a matter to be worked out. As I said, there are 5 counties working together in the upper part of the state at the present time, all contributing to a common fund which can be utilized throughout that area. We want to get away from that township and city each having a library and having a broader base, which will be available. Would you say that answers your question?

**MR. LEIBRAND:** Miss Andrus, what I am trying to find out is if these libraries are going to be free libraries or if they are going to be pay libraries. And if they are going to be pay libraries, who is going to pay if, under the language of the constitution, a library could refuse to provide service to a resident of the state of Michigan if he didn't pay? That is my problem.

**MISS ANDRUS:** Yes, there is no doubt at all about that. The state board for libraries is working out arrangements between libraries, and as I have given you these illustrations of how it can be done, it will be done from the local. It is not going to be a state telling libraries what to do, but local libraries can combine and decide. Have you ever asked these townships and that other municipality to cooperate with you?

**MR. LEIBRAND:** Oh, yes, Miss Andrus. We're doing it now.

**MISS ANDRUS:** And they refused?

**MR. LEIBRAND:** No, some of them have refused and some are entering into contracts, but with the free service contemplated by your chairman's statement, I can't see where we can force a contract. We have a doctor from Essexville that for years has been threatening to sue us, and I think if this new language goes in, he sure enough will.

**MISS ANDRUS:** If it is available, but it doesn't say free.

**CHAIRMAN POWELL:** The question is on the adoption of the Leibrand amendment. Mr. Follo.

**MR. FOLLO:** I would like to direct my remarks, Mr. Chairman, to Mr. Leibrand's fear on this matter. I think we had plenty of legal advice to the effect that they did not think that this would happen, Judge. I know that you are a judge and used to interpreting these things, but one of the things we had in mind was this: that in addition to our local libraries, we also have a state library which furnishes library service to people all over the state. Also, the state library is interested in spreading library service to people in many parts of the state which do not now have it. They are interested in getting counties to set up county libraries so that more of the people of the state of Michigan will be covered by library service. They are interested in developing regional libraries where county libraries are not feasible. These are some of the things we had in mind when we put that language in there.

**CHAIRMAN POWELL:** Delegate William Hanna, did you seek the floor?

**MR. W. F. HANNA:** Mr. Chairman, I just can't resist the comment that the cities want to keep the fines, the city lawyers want to use the county law library, and now they want to charge us poor folks from the country to come in and use their library in addition. (laughter)

**CHAIRMAN POWELL:** Delegate Leibrand, you were seeking recognition.

**MR. LEIBRAND:** I would like to inquire if it was the sense of the committee that the language we find in this Committee Proposal 31 would continue to permit libraries to make contracts with other municipal units and would continue to permit libraries to charge for library card service in other municipal units?

**CHAIRMAN POWELL:** Delegate Bentley, can you commit the committee?

**MR. BENTLEY:** Well, Mr. Chairman, in reply to the gentleman from Bay City, I can say that the intent of the committee, insofar as I am aware of it, was not to make any change in the existing situation. And I again remind him of the language which I read earlier in the committee report: "The committee presumes that legislation may be written so that each library may make reasonable rules for the use and control of its books." I believe that covers the point which he has under consideration.

**CHAIRMAN POWELL:** I will say that it is recorded in the archives of this convention. I don't know how far it will get in court. (laughter) The next man I saw on his feet was Delegate Higgs.

**MR. HIGGS:** Mr. Chairman, I would like to direct a question to Mr. Bentley, and I would like to say that the consideration given this by Delegate Leibrand, from my city, here, also occurred to me independently; this language "which shall be available to all residents of the state."

The first question is: is it not possible that this could be covered by legislation? Isn't what you are driving at, you want public libraries, period? Isn't the rest statutory?

**CHAIRMAN POWELL:** Chairman Bentley.

**MR. BENTLEY:** We think, Mr. Higgs, that a general statement of intent, such as we have included here, was desirable to show that the library services, whether intended through branch libraries, bookmobiles or what else you have, may be extended to those residents of the state who are not now adequately provided with library services. But I repeat, that so far as working out the rules for individual libraries to govern the use and control of their books, the committee felt that this matter was and should be statutory.

**MR. HIGGS:** My question was whether or not this particular language which Delegate Leibrand seeks to strike is not possibly covered by statute. Isn't that perfectly possible to cover that by statute?

**MR. BENTLEY:** I suppose that it is possible to cover a great many things by statute, but the committee on education felt that a broad, general statement of encouraging the extension of library services throughout the state to all its residents, through various media, would be helpful, useful and timely to place in the constitution.

MR. HIGGS: I have a second question, Mr. Chairman, if I may direct it also: would it be your intention, if someone from some other part of the state, not Essexville, not a contiguous territory, perhaps Detroit, should be in Bay City or surrounding territory on vacation, would this be intended to apply to this person?

MR. BENTLEY: Well, I think you are speaking of a hypothetical case and I have no knowledge of how your library would handle it. Why don't we say this: why don't we let the Bay City library make whatever rules it desires for the residents of Bay City, or Bay county or Wayne county, or any other part of the state, and if somebody wants to challenge them, let them do so. I feel there is nothing in the constitution which would permit a resident of any other part of the state to come into your library in Bay City and demand services which were contrary to the regulations which you laid down yourself for the use and control of your books.

MR. HIGGS: Well, Mr. Bentley, neither the Bay City public library nor any other public library of the state would have any power whatsoever by regulation and neither would the legislature have any power to pass any statute which would contravene this language which we are placing in the constitution. When you say, "which shall be available to all residents of the state," that is pretty clear. I don't see how we could possibly deny the availability of any books to any resident of the state of Michigan. You mean the whole state, don't you?

MR. BENTLEY: What I am trying to explain, Mr. Higgs — and I am not a lawyer, as I have stated many times — but as long as a person from any part of the state can come up to your library and conform with your local regulations and rules, he can have that library and its services and its books made available to him. Would you say that that was covered?

MR. HIGGS: I would say that would be covered. I would say that when you say "which shall be available to all residents of the state" in the constitution, that you could not limit or qualify that in any way by the requirement of a deposit for the use of the book to guarantee its return or anything else. You say "It shall be available to all residents of the state." This is like saying in a criminal case, "You've got a right of appeal." When you say, "You've got a right of appeal," you've got that right whether you've got the money to pay for it or not. In fact, if you don't have the money to pay for it, the county has to provide it in that case, and I say in this case the same thing would apply.

MR. BENTLEY: I recognize your concern, Mr. Higgs, and that of Mr. Leibrand and others who may be faced with the same problem. I can only repeat that it is not the intention of the committee, as we tried to spell out in our supporting reasons, to circumscribe legislation or other rules which may be adopted by local libraries for use in the control of their books, and we have so stated specifically in the supporting reasons.

CHAIRMAN POWELL: Ladies and gentlemen, I have allowed a great deal of latitude here in the dialogue. I am advised by our secretary that there is filed and on his desk a proposed amendment by Judge Dehnke which might pretty well clear up much of the controversy we have been having for the last several moments. I do have other names that have sought recognition, including Mr. Kuhn, but may I have the unanimous consent of the committee that the secretary read the amendment that has been filed? Judge Dehnke.

MR. DEHNKE: Mr. Chairman, I would like to say a word before that is read. I think Mr. Higgs has put his finger on the precise question that ought to concern all of us. Where the constitution's language is unequivocal and specific, I am sure the supreme court will go by that language and not by what was said in the attached report, and this language, as it now reads, says, "which shall be available to all residents of the state," and is broad and definite and specific. Somebody might want to come in at an odd hour of the night; something has happened in his family, he would like to look in a book about that, he needs to know right away, and other things can happen, so that I think Judge Leibrand's concern is warranted. But the amendment that I have presented to

the secretary would add to the language that is there now, "under reasonable regulations" — "which shall be available to all residents of the state, under reasonable regulations." That would at least give the library board the authority to lay down some regulations to set up the hours during which the library shall be considered open and all that sort of thing.

CHAIRMAN POWELL: Judge Leibrand, do you wish to comment on that amendment?

MR. LEIBRAND: Yes, if Judge Dehnke's amendment is before the committee.

CHAIRMAN POWELL: It is not.

MR. LEIBRAND: It is not?

CHAIRMAN POWELL: If you accept it.

MR. LEIBRAND: I will accept it and withdraw mine.

CHAIRMAN POWELL: Then I would rule that it is before the committee. I think possibly the secretary should read it in its entirety so that we see exactly what is being proposed.

SECRETARY CHASE: Judge Leibrand withdraws his amendment and Mr. Dehnke has offered the following amendment:

1. Amend page 1, line 10, after "state" by inserting "under reasonable regulations"; so the language will read:

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 reasonable regulations . . .

CHAIRMAN POWELL: Delegate Kuhn.

MR. KUHN: Mr. Chairman, I would like to speak in opposition to this amendment. I think it is quite clear what the committee intends. Like Delegate Bentley said, the only thing that we are changing here is the fact that since it is not practical that every township have a library, we say that they shall be available to the citizens of the state of Michigan. Now, Delegate Higgs said, "Well, if you say they have an automatic right of appeal, and so forth, they can do it." But remember, they must live in the jurisdiction. There are a lot of things that they have to qualify. Just because we say that it is available doesn't mean that there are no standards. In order to get into a court you must live in that district; in order to get a divorce now, you must live in that county for 10 days, and things of that nature. I don't think we want every small detail put in our constitution; it is very clear.

I would like to answer Judge Leibrand's questions. Can he make these contracts? The answer is yes, without question he can make these contracts. We are not changing any of that. We don't want anybody to think we are. The fact that we say they shall be available to the people of the state of Michigan is just a broad, general statement. The argument that we should leave them open all night, we say we should have public education for the people of the state of Michigan; does that mean the schools should stay open all night? Someone might want to learn something at 3:00 o'clock in the morning?

I think we are carrying this too far and way out of proportion. I think the committee proposal is sound, reasonable, was well refined, and it is not out of place to change anything today.

CHAIRMAN POWELL: Miss Andrus.

MISS ANDRUS: We spent a great deal of time on this "little thing" in the constitution, and I had no idea we would spend so much time on it in the committee of the whole. Our committee doesn't think we need to put in "county law libraries" or to put this in, "under reasonable regulations," but if you want to put it in, if it will make you feel happier, we don't have any objection. It just makes the constitution longer and we were trying to make it as brief as we could.

CHAIRMAN POWELL: Delegate Bentley.

MR. BENTLEY: Mr. Chairman, I will reply as I replied to the first Higgs amendment. I don't think it is necessary. I think the intent is clear — crystal clear beyond any doubt — but for the sake of trying to save some time and some argument, speaking again as an individual — and I cannot speak for the committee because this question has not been before

them—since it is merely clarifying what the committee's original intent was, I, as an individual, will be willing to accept the words of the Dehnke amendment.

CHAIRMAN POWELL: Delegate Faxon.

MR. FAXON: I want to support Mr. Kuhn here also as a member of the same subcommittee. We seem to be getting up here and arguing. I think this question of "under reasonable regulations" is purely statutory. There is already a state board for libraries which sets up these regulations on library hours. I don't understand why there is such a need to get into such specificity with regard to this particular section when we've permitted other sections to get by in general language, and here we are demanding a detail, legislative detail if you like, in order to win the approval of the delegates. I would urge the delegates to keep the original proposed draft which came after long and careful consideration by the committee.

CHAIRMAN POWELL: Delegate Stevens.

MR. STEVENS: Mr. Chairman and fellow members, it is crystal clear what the committee intends. What is not crystal clear is what the court will interpret. The construction of the court, as has been pointed out, is based on the language. I see no objection to making it clear, even to the supreme court. (laughter)

CHAIRMAN POWELL: The question is on the adoption of Judge Dehnke's amendment. As many as are in favor will say aye. Opposed, no.

The ayes have it. The amendment is adopted. Are there any other amendments on file on the secretary's desk?

SECRETARY CHASE: There are none, Mr. Chairman.

CHAIRMAN POWELL: That completes the amendments on the secretary's desk. Are there any further amendments to the body of the proposal? If not, it will be passed.

Committee Proposal 31, as amended, is passed.

Delegate Madar.

MR. MADAR: Mr. Chairman, I just wanted to make one remark: I hope now that we've got this going, we are going to have some law libraries. Let's make sure that there are some good English textbooks there so that we can have this done properly, as Judge Dethmers asked us to; make it simple.

SECRETARY CHASE: Item 5 on the calendar from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 41**, A proposal to provide for a 2/3 vote of the legislature for nongovernmental appropriations. Retains article V, section 24.

*Following is Committee Proposal 41 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 assent of 2/3 of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 41:

The committee recommends the retention of this section. It provides against possible misuse of the appropriation power for private gain.

The committee believes that a 2/3 vote of the members of each house of the legislature should be required for any bill appropriating public money or property for nongovernmental or nonpublic purposes, thereby protecting public funds.

CHAIRMAN POWELL: The chair will recognize Delegate Hoxie, chairman of the committee on legislative powers.

MR. HOXIE: Mr. Chairman and fellow delegates, we are very proud, in the legislative powers committee, that the individual selected to preside over this session is also chairman of the subcommittee that handled this particular proposal. Because it would be improper for him to explain

it from the rostrum, I, at this time, yield to Mr. Baginski, who is also a member of that committee, and also Mr. Murphy.

CHAIRMAN POWELL: Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and members of the committee of the whole, your committee on legislative powers submits Committee Proposal 41 with the recommendation that the language that has been in the constitution since 1850 be retained.

CHAIRMAN POWELL: Are there any amendments to the body of the proposal? Delegate Faxon.

MR. FAXON: Mr. Baginski, I would like to ask a question through the Chair. Just for my own purposes here—and I spoke with regard to this particular proposal before your subcommittee—where is there a need for the appropriations of public moneys for strictly private purposes?

CHAIRMAN POWELL: Mr. Baginski.

MR. BAGINSKI: Mr. Faxon, there are funds appropriated by the legislature for the veterans' service work. I believe some 4-H money is appropriated by the legislature, and that is a private purpose, you might call it. There is an aeronautical association that receives money from the legislature to carry on its work in aeronautics.

MR. FAXON: Are these moneys where the public gets no accounting as to how they are spent? Do we actually appropriate to private organizations here and they in turn spend it as they see fit?

MR. BAGINSKI: Yes, but these funds are audited and controlled by the legislature.

MR. FAXON: Then the state does get an accounting as to how this money is spent?

MR. BAGINSKI: That is right.

MR. FAXON: And there would be no mismanagement from this standpoint?

MR. BAGINSKI: I don't see how there could be.

MR. FAXON: And this has not been abused in the past in terms of excessive appropriations for private purposes?

MR. BAGINSKI: No, and as I said before, this language has been in the constitution since 1850 and in all these years there have been no embarrassing moments about it.

CHAIRMAN POWELL: Delegate Faxon, I might be pardoned if I say it is my understanding that also the appropriation for the tourists and resort associations might be construed as for a private purpose.

Delegate Madar, do you wish recognition?

MR. MADAR: I just wanted to mention something that I do happen to know something about. This is also used for convention purposes, and just to give you an idea of how that is taken care of, the VFW just returned, I believe it was, \$5,000 of their appropriation. In fact, they did the same thing with Wayne county and the city of Detroit on their convention that they just had and this has certainly helped the entire state.

CHAIRMAN POWELL: I might say to the delegates that the chairman of the committee on legislative powers, T. Jefferson Hoxie, was for many years a member of the house committee on ways and means, and if there are any specific questions, he's well qualified to answer them.

The question is on the proposal. Are there any amendments to the body of the proposal? If not, it will be passed.

Committee Proposal 41 is passed. The secretary will read.

SECRETARY CHASE: The next item on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 42**, A proposal to include in the constitution all of sections 1, 2, 3, 4 and 8 of article IX entitled "impeachments and removals from office."

*Following is Committee Proposal 42 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. (1) 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

see what this metropolitan animal is called after we get through local government.

CHAIRMAN POWELL: Delegate Allen.

MR. ALLEN: I am not sure, Mr. Hanna, that you will know after we finish the metropolitan section. We ran into this problem in local government, and one suggestion was to make an all inclusive phrase; but this would be up to, I think, style and drafting to simply, instead of reciting "cities, townships, villages, school districts" and so on and so on, simply use the phrase "local units of government".

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

Section e is passed.

Is there any amendment now to the body of Committee Proposal 42? If not, it will be passed.

Committee Proposal 42 is passed. The secretary will read. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I am not sure what constitutes a reasonable work day. Mr. Marshall, will you agree that I should move that the committee do now rise? I so move.

CHAIRMAN POWELL: The question is on the motion of Delegate Hoxie that the committee do now rise. As many as are in favor signify by saying aye; opposed, no.

The ayes have it. The committee has risen.

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

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

MR. POWELL: Mr. President, the committee of the whole has had under consideration several committee proposals, of which the secretary will now make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 41**, A proposal to provide for a 2/3 vote of the legislature for nongovernmental appropriations; and **Committee Proposal 42**, A proposal to include in the constitution all of sections 1, 2, 3, 4 and 8 of article IX entitled "impeachments and removals from office"; reports these 2 committee proposals back to the convention without amendment and with the recommendation that they do pass.

VICE PRESIDENT DOWNS: **Committee Proposal 41** and **Committee Proposal 42** are referred to the committee on style and drafting.

*For Committee Proposal 41 as referred to the committee on style and drafting, see above, page 837.*

*For Committee Proposal 42 as referred to the committee on style and drafting, see above, page 837.*

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 31**, A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries; reports this proposal back to the convention with 2 amendments, recommending the amendments be agreed to and that the committee proposal, as thus amended, do pass.

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

1. Amend page 1, line 10, after "state" by inserting "under reasonable regulations".
2. Amend page 1, line 13, after "libraries" by inserting "and county law libraries".]

VICE PRESIDENT DOWNS: The question is on agreeing to the amendments recommended by the committee of the whole. Those agreeing will signify by saying aye; those opposed by nay.

The amendments are agreed to.

**Committee Proposal 31**, as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 31 as amended and referred to the committee on style and drafting:*

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

Sec. a. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under reasonable regulations. 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.

SECRETARY CHASE: That completes the report of the committee of the whole, Mr. President.

VICE PRESIDENT DOWNS: Are there any announcements?

SECRETARY CHASE: We have several announcements that are of interest to every delegate.

First, the photographs for the convention record will be taken next Monday, Tuesday and Wednesday, February 12, 13 and 14, here in constitution hall. There will be no charge for these sittings. The photographer will be on the premises from 1:00 o'clock p.m. to 8:00 o'clock p.m. on each of these days. All delegates are strongly urged to have a new picture taken for the record rather than submitting an existing one. If the pictorial record is to be of maximum quality and uniformity, it is highly desirable that the photographs be made under the same controlled conditions. If the first set of proofs prove unsatisfactory to you, a second sitting will be scheduled. Additional portraits may be ordered at your own expense, if so desired.

There has been a change in the television program that has been announced. There will be 2 television receivers in the lobby tomorrow morning for the benefit of those delegates and staff members who would like to watch the "Today" show in this building. The constitutional convention will be featured from 7:00 to 7:30 a.m. Note the change of time on the show, tomorrow, Wednesday, February 7, 7:00 to 7:30 a.m. on the feature "Today".

There have been some questions raised as to the filing of minority reports. The president has indicated, by a statement that he has left with the secretary, that the minority reports on those proposals which are printed in the journal of last Thursday, Journal 70, and which were not available until Friday, 3 days will expire on Wednesday, and on the proposals that were printed in Journal 71, Friday's journal, which was not received until Monday, those minority reports will have until Thursday.

We have the following notices of committee meetings:

The committee on administration will meet tomorrow at 1:15 p.m. Walter DeVries, chairman.

The committee on judicial branch will meet in room B, tomorrow, Wednesday at 9:00 o'clock a.m. Robert Danhof, chairman.

The committee on finance and taxation will meet in room E tomorrow at 8:00 o'clock a.m. D. Hale Brake, chairman.

Tomorrow, immediately after the session, the committee on local government will meet in room A for 45 minutes. Mr. Arthur Elliott, chairman.

The committee on emerging problems wishes this emphasized again: it will hold a public hearing Tuesday, this evening, at 7:30 in committee room I on the third floor. Appearing will be Mr. Maclin of Merrill Lynch, Pierce, Fenner and Smith of New York. He will be speaking on pensions. Mr. Alfred Hewitt from the Michigan National Bank in Grand Rapids also speaking on the investment and security of pension funds. Frank G. Millard, chairman.

We have the following requests for leave of absence: Mr. Norris wishes to be excused from the morning session of tomorrow; Mr. Romney wishes to be excused from tomorrow's session for the annual meeting of stockholders, and Thursday's session for a meeting of the board of directors of American



MR. BENTLEY: Mr. President, the gentleman is quite correct.

PRESIDENT NISBET: The question is on Committee Proposal 30. Will the machine please be cleared? Mr. Leppien.

MR. LEPPHEN: Mr. President and fellow delegates, as one of the members of the committee on rights, suffrage and elections, I fully understand the implications as pointed out by Delegate Bill Hanna, and I think we all now should realize that we are instructing, virtually, the committee on style and drafting that it shall change all "rights" proposals to the language that we have here, which was so ably given by Dr. John Hannah as to the federal constitution and the federal use of those words. I think, therefore, this ought to be a substantial vote in favor of it in order that the committee on style and drafting will know that we mean exactly what we say and that throughout the constitution it shall be uniform.

PRESIDENT NISBET: The Chair recognizes Mr. Bonisteel.

MR. BONISTEEL: Mr. President and fellow delegates, I think there is an amendment that has been proposed and I am in favor of this amendment and supporting the position that Mrs. Hatcher has taken in this, the reason being that it isn't the posture of the words, necessarily, that we are seeking, but rather we are trying to clarify something which apparently cannot be clarified by the attempted definitions that have been given both of the words "religion" and "creed." Therefore, if interpretations are made based upon time and experience, the use of the "creed" along with the word "religion" in this certainly is not going to harm anyone and if it is going to clarify our position, their understanding of what we are attempting to do here, it seems to me that we should make that clarification. While this amendment has not been read, I just wish to say that I am going to support the suggestion which was made by Mrs. Hatcher and which I think she has incorporated in the form of an amendment, and I think this should be unanimously carried so there could be no question about what we believe here insofar as this convention is concerned.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Mrs. Hatcher and Mr. Bonisteel offer the following amendment:

1. Amend page 1, line 4, after "creed," by inserting "religion"; so the language will then read, "Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color, or national origin."

PRESIDENT NISBET: The question is on the amendment. Those in favor will say aye. Those opposed, no.

The amendment is adopted. The Chair recognizes Judge Leibrand.

MR. LEIBRAND: Mr. President, supplementing what Delegate Leppien just said, and harking back to Delegate Cushman's statement that these antidiscrimination clauses appeared in at least 4 places in the proposed constitution, I wonder if it would be in order to suggest to the committee on style and drafting that perhaps they could be consolidated in one place and cover all the constitutional provisions instead of repeating them several times. I just throw this out for what it is worth.

PRESIDENT NISBET: The committee on style and drafting will take recognition of that, Judge Leibrand. The question now is on Committee Proposal 30 as amended. Those in favor of the proposal 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—120

Allen	Follo	Nisbet
Andrus, Miss	Gadola	Ostrow
Anspach	Garvin	Page
Austin	Goebel	Perlich
Baginski	Gover	Perras
Balcer	Habermehl	Plank
Batchelor	Hanna, W. F.	Pollock
Beaman	Hannah, J. A.	Powell
Bentley	Hart, Miss	Prettie
Binkowski	Haskill	Pugsley
Blandford	Hatch	Rajkovich

Bledsoe	Hatcher, Mrs.	Richards, J. B.
Bonisteel	Heideman	Richards, L. W.
Boothby	Hodges	Romney
Bradley	Hood	Rush
Brake	Howes	Sablich
Brown, T. S.	Hoxie	Seyferth
Buback	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cushman, Mrs.	Jones	Sleder
Dade	Judd, Mrs.	Snyder
Danhof	Karn	Spitler
Dehnke	Kelsey	Staiger
Dell	Kirk, S.	Sterrett
DeVries	Knirk, B.	Stevens
Donnelly, Miss	Koeze, Mrs.	Stopczynski
Doty, Dean	Krolkowski	Suzore
Doty, Donald	Kuhn	Thomson
Douglas	Leibrand	Turner
Downs	Leppien	Tweedie
Durst	Lesinski	Upton
Elliott, A. G.	Liberato	Van Dusen
Elliott, Mrs. Daisy	Madar	Walker
Erickson	McCauley	Wanger
Everett	McGowan, Miss	White
Farnsworth	McLogan	Wilkowski
Faxon	Millard	Wood
Figy	Mosier	Woolfenden
Finch	Murphy	Young

Nays—3

Radka	Rood	Shanahan
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SECRETARY CHASE: On the adoption of Committee Proposal 30, as amended, the yeas are 120; the nays are 3.

PRESIDENT NISBET: **Committee Proposal 30**, as amended, is passed and referred to the committee on style and drafting.

*Following is Committee Proposal 30 as amended and rereferred to the committee on style and drafting:*

Sec. a. 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.

The Chair recognizes Mrs. Butler.

MRS. BUTLER: Mr. President, I would like to support Judge Leibrand in his suggestion. I have been very interested in the bill of rights, the Canadian bill of rights which has been posted on the bulletin board for some time, and in that bill of rights they have one clause on race, creed, color, sex, and I think that is a very good suggestion.

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, in the style and drafting committee, of which I am a member, we wanted to do this but each committee whose proposals we were going over insisted on keeping its clause in the constitution. I am also a member of the rights and elections committee, and in that committee we thought we had taken care of the problem. Now, in the style and drafting committee we cannot, of course, change substance. If this convention would so instruct us, we would be glad to follow the direction in this matter, but it is up to the convention. It is something that we can't conclude there.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I simply want to second what Mr. Stevens said, and further suggest that if this convention wants to direct the style and drafting committee along this or other lines, a motion of this convention would have to be carried. This is definitely a matter of substance. We cannot make changes of substance, at least knowingly, and if a motion is carried on this floor, why, of course, we would carry it out.

PRESIDENT NISBET: The secretary will read the next proposal.

SECRETARY CHASE: Item 4 on the calendar, **Committee**

**Proposal 31**, A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries.

*Following is Committee Proposal 31 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 841):*

Sec. a. 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 [reasonable] 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.

**PRESIDENT NISBET**: The Chair recognizes Mr. Bentley.

**MR. BENTLEY**: Mr. President, the only change made by the committee on style and drafting in Committee Proposal 31 was the striking of the word "reasonable" in line 3 and the addition of the words in line 4, "adopted by the governing bodies thereof." The committee on education's understanding is that this merely refers to regulations regarding the accessibility of libraries to the general public, and the committee assumes that the intent of the committee on style and drafting was that these governing bodies be of a local nature, not the so called state governing bodies, such as the state commission for libraries or the state library board, but that the intent of the committee on style and drafting would be that local governing bodies of these various public libraries would be able to pass reasonable regulations regarding the accessibility and the availability of their individual libraries to residents of the state; particularly, I suppose, in cases where the applicant for a book or a periodical was not an immediate resident of the locality. The committee on education sees no objection to this provided my understanding, as I have stated it, is correct. I would appreciate some member of the committee on style and drafting confirming my understanding in this matter.

**PRESIDENT NISBET**: Mr. Hutchinson, do you care to answer Mr. Bentley's question?

**MR. GADOLA**: Mr. President, I will answer for style and drafting.

**PRESIDENT NISBET**: Mr. Gadola.

**MR. GADOLA**: It was debated at great length before style and drafting whether it was a substantive change or whether it wasn't, and the entire matter was to keep it local, so the local boards would be the ones that handled it rather than any outside board, and the interpretation that Delegate Bentley has given of it is correct.

**PRESIDENT NISBET**: There is one amendment. The secretary will read it.

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

1. Amend page 1, line 6, after "laws" by inserting "and state penal laws adopted by reference by cities"; so the language will read:

All fines assessed and collected in the several counties, cities, and townships for any breach of the penal laws and state penal laws adopted by reference by cities shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

**MR. MADAR**: Mr. President, I rise to a point of order. I believe if you will check that, you will find that we have already had that in session.

**MR. W. F. HANNA**: Mr. President.

**PRESIDENT NISBET**: Mr. Hanna.

**MR. W. F. HANNA**: Mr. President, if I may address myself to that point, you will find that this is distinctly different. The amendment previously put in by myself was city ordinances. This covers only the case where you adopt by reference a state law and you adopt it through a city ordinance. They are distinctly different and this is much more limited.

**PRESIDENT NISBET**: You may proceed.

**MR. W. F. HANNA**: Mr. President and fellow delegates, this amendment, as now submitted, only covers the situation

where a city or township adopts a state law by reference as provided by enabling acts, as a pure basis for taking money away from the library and placing it in the coffers of the city or township. I call your attention that this is done with the state traffic code consistently. The cities adopt the state traffic code by reference. They are allowed to do this. Then the fine money is diverted from the library fund to the city coffers. There are other statutes in this line, but this is limited to where the state law is adopted by reference. Where the city adopts a zoning ordinance or other ordinances dealing purely with their local concerns, and it is their own enforcement, and they do not rely upon a state statute, which they adopt by reference, the fines will not be changed. This is distinctly more limited and simply would place townships and cities, as to state penal laws, on the same basis.

**PRESIDENT NISBET**: Mr. Binkowski.

**MR. BINKOWSKI**: I would like to ask Mr. Hanna a question, if I may.

**PRESIDENT NISBET**: You may if he cares to answer.

**MR. BINKOWSKI**: Mr. Hanna, would not the purpose and intent of your amendment be easily circumvented by the city or municipality going ahead and adopting the language in toto in the form of an ordinance without referring to it?

**MR. W. F. HANNA**: If they adopted verbatim, I believe my language would cover it. If they don't adopt it verbatim, you have a very nice problem as to whether the state has preempted the field, and you go into all these cases arising out of the sanitary milk ordinances and so forth, as to whether or not a city may adopt an ordinance in terms other than the state. In the traffic section, it has been ruled that if they adopt a traffic ordinance different than the state traffic law in defining such things as reckless driving or speeding or so forth, where the state law clearly covers it, that they have simply adopted the state law and they cannot differ. So I believe my language would cover it.

**MR. BINKOWSKI**: Wait a second, Mr. Hanna. I don't know if I am not understanding you or you are misunderstanding me. I say, or the question I ask is if, for example, the city of Kalamazoo were to take the language from the state statutes and adopt that language verbatim as part of their city ordinance, wouldn't your amendment be completely circumvented and rendered a nullity?

**MR. W. F. HANNA**: If it would, then we would have to straighten it out in style and drafting. This is not my intention. When they adopt the state law by reference, I cover both the usual enacting clause, we enact it by reference, or they copy it verbatim.

**MR. BINKOWSKI**: Well, Mr. President and ladies and gentlemen of the convention, I certainly am not in favor of the amendment because I am against the intent of the amendment. Secondly, of course, I don't think that it accomplishes the intent that Mr. Hanna has in mind.

**PRESIDENT NISBET**: The Chair recognizes Mr. McCauley.

**MR. MCCAULEY**: Mr. President, I would like to speak in opposition to this amendment. I think that any tampering with city funds — and I think you will find the vast majority of the cities in the state of Michigan are having a tremendous time financially in trying to balance their budgets. This is another way of coming in the back door attempting to take some of the city operating moneys away from them. Personally, I am against it and I hope that all other city people are against this.

**PRESIDENT NISBET**: The Chair recognizes Mr. Kuhn.

**MR. KUHN**: Mr. President and members of the convention, personally I think it might be a good thing, but taking the committee position, we would have to oppose this. It would seem to me we might destroy what we have. I would say I was on the subcommittee and we are willing to go along with the committee proposal and would oppose this amendment.

**PRESIDENT NISBET**: The question is on the Hanna amendment. Those in favor will say aye. Opposed, no.

The amendment is not adopted. Mr. Faxon demands a division. Is the demand supported? It is not supported. Are there any other amendments?

**SECRETARY CHASE**: Mr. Gover and Mr. Gadola offer the following amendment:

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

1. Amend page 1, line 4, after "adopted by the" by inserting "local"; so the language will then read, "... under regulations adopted by the local governing bodies thereof."

PRESIDENT NISBET: The Chair recognizes Mr. Gover.

MR. GOVER: Mr. President and fellow delegates, Mr. Bentley in his statement on that said there should be "local" in there. Let's put it in there so it explains it. So it will be understood. That is all I want to do, except I want to yield to Judge Gadola on the amendment also.

PRESIDENT NISBET: Judge Gadola.

MR. GADOLA: It is only carrying out the interpretation that style and drafting had on this question and carrying out Mr. Bentley's question on it and only putting it in so there will be no confusion about it.

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: Mr. President, Mr. Gover and Mr. Gadola, while it is the statement that style and drafting intended that local units would govern their local libraries, I call your attention to the fact that "local" was left out after we originally had it in because this language covers also the state library system, and so that the library at the state level would be governed by the state library board, any township library would be governed by the township library board, the cities by the city, the counties by the counties or the districts by the districts. The reason that "local" was left out is so that this will encompass the fact that the state library board could govern the state library and so on down the line. I urge that you do not put in the word "local" because as this section is now drafted, it seems to cover libraries at all levels of government and the words "governing bodies thereof" covers the fact that the unit owning and operating the library will cover it as to the accessibility.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I would like to ask Mr. Hanna a question before he returns to his seat.

PRESIDENT NISBET: Mr. Hanna.

MR. BENTLEY: Mr. President, it is my understanding that the regulations which are to be adopted by the governing bodies refer merely to the question of accessibility or availability to residents of the state of these various public libraries and I understood from Judge Gadola's last reply to my own question that the question of who could use the library and regulations under which they could use it, was to be entirely left in the hands of the local governing boards and was not to be a question of determination by any state authority. Is that correct?

MR. W. F. HANNA: Mr. President, Mr. Bentley, the state library board would determine the rules and regulations for the state library. The township board would determine the rules and regulations as to accessibility for the township library. Do I make myself clear by those 2 statements? This is the reason that "local" would be more limiting than the language as finally worked out by style and drafting. I ask that you continue the language so that it is clear that whatever governmental unit owns and operates the library, that local unit will determine the rules of that unit.

PRESIDENT NISBET: Mr. Heideman.

MR. HEIDEMAN: I was a member of this subcommittee. It was our intention to have these regulations under the control of the local units. Delegate Hanna has raised another question here but, as it was stated by Judge Gadola, I wanted to support this addition of the word "local."

PRESIDENT NISBET: Mr. Follo.

MR. FOLLO: I was concerned about whether or not this would limit the activity of the state library in its help and leadership to libraries throughout the state, and in talking with officials from the state library, representatives of the state library board and staff, I was told that this word is not necessary but it won't do any harm.

PRESIDENT NISBET: Miss Andrus.

MISS ANDRUS: Mr. President and fellow delegates, I was chairman of this subcommittee. We would have preferred having the term left "reasonable regulations" which would have meant that the state library — and they are hoping to have more and more services available, particularly in the upper peninsula and

the upper part of the state — they could regulate their services and the local boards could regulate theirs, under the term we used, "reasonable regulations." I think, really, Mr. Follo, that we would prefer keeping the term "reasonable regulations," but there is no doubt at all that most of the services are provided by local boards, by the local libraries, so we didn't object to the change which style and drafting thought made it more specific. It could, however, be interpreted to mean that the state library could not issue regulations. I doubt that would ever happen, but I thought I should explain it. We would prefer the "reasonable regulations." It would cover both services by the state library and by local libraries.

PRESIDENT NISBET: The question is on the Gover amendment. Mr. Chase will read it.

SECRETARY CHASE: The amendment offered by Mr. Gover and Mr. Gadola:

[The amendment was again read by the secretary. For text, see above, page 2561.]

PRESIDENT NISBET: Mr. Gover.

MR. GOVER: One more statement, Mr. President, on that: it seems that these words by style and drafting that were added changed the substance, unless the word "local" is put in there.

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

The amendment is not adopted. The question now is on the committee proposal. Those in favor of Committee Proposal 31 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—118		
Allen	Garvin	Page
Andrus, Miss	Goebel	Perlich
Anspach	Gover	Perras
Austin	Habermehl	Plank
Baginski	Hanna, W. F.	Powell
Balcer	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Binkowski	Hatcher, Mrs.	Richards, J. B.
Blandford	Heideman	Richards, L. W.
Bledsoe	Higgs	Romney
Bonisteel	Hodges	Rood
Boothby	Hood	Rush
Bradley	Hoxie	Sablich
Brake	Hubbs	Seyferth
Brown, G. E.	Hutchinson	Shackleton
Brown, T. S.	Iverson	Shaffer
Buback	Jones	Shanahan
Butler, Mrs.	Judd, Mrs.	Sharpe
Conklin, Mrs.	Karn	Sleder
Cushman, Mrs.	Kelsey	Snyder
Dade	Knirk, B.	Staiger
Danhof	Koeze, Mrs.	Sterrett
Dehnke	Krolkowski	Stevens
Dell	Kuhn	Stopczynski
Donnelly, Miss	Lawrence	Suzore
Doty, Dean	Leppien	Turner
Doty, Donald	Lesinski	Tweedie
Downs	Liberato	Upton
Durst	Madar	Van Dusen
Elliott, A. G.	Mahinske	Walker
Elliott, Mrs. Daisy	McCauley	Wanger
Everett	McGowan, Miss	White
Farnsworth	McLogan	Wilkowski
Faxon	Millard	Wood
Figy	Mosier	Woolfenden
Finch	Murphy	Yeager
Follo	Nisbet	Young
Gadola		

Nays—0

SECRETARY CHASE: On the passage of Committee Proposal 31, the yeas are 118; the nays are none.

PRESIDENT NISBET: Committee Proposal 31 is passed and referred to the committee on style and drafting.



*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.*

**PREAMBLE**

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

**PREAMBLE**

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

**ARTICLE I  
DECLARATION OF RIGHTS**

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

**Article I****Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II ELECTIONS

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

## Article II Elections

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

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

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

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
36	49.	Regulation of employment .....	110a
37	50.	Atomic energy .....	127a
38	51.	Public Health .....	126a
39	52.	Natural resources .....	125a
40	53.	Auditor General .....	78a

#### Article IV

##### Legislative Branch

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

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

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

Sec.	Com. Proposal
1. Executive Power—where vested . . . .	2a
2. Principal Departments (part Schedule) . . . . .	71b
3. Same, Appointment . . . . .	71b
4. Licensing Boards . . . . .	71b
5. Advice and Consent, Definition (part Schedule) . . . . .	71g
6. Appointments, Senate not in Session .	71e
7. Principal Departments, supervision of governor . . . . .	71d
8. Principal Departments, offices . . . . .	71c
9. Power of Removal . . . . .	71g
10. Provisional Appointment . . . . .	71f
11. Governor—Commander in Chief . . . .	3a
12. Same—Writs of Election . . . . .	7a
13. Same—Reprieves and Pardons . . . .	16a
14. Same—Convene Legislature . . . . .	8a
15. Same—Convene Legislature away from Seat . . . . .	9a
16. Same—Communicate to Legislature .	4a
17. Same—Budget . . . . .	46a
18. Same—Disapproval Appropriation . .	46c
19. Appropriation—No mandate to spend	46d
20. State Officers (part Schedule) . . . . .	71a
21. Eligibility for Office . . . . .	17a
22. State Officer Compensation . . . . .	75a
23. Executive Residence . . . . .	77a
24. Lieutenant Governor, duties . . . . .	71b
25. Succession to Governorship . . . . .	59–60a
26. Same—Salary . . . . .	72a

27. Highway Commission ..... 71h  
 28. Civil Rights Commission ..... 71A

## 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

Sec.	Com. Proposal
1. Judicial power .....	90a
2. Supreme Court; justices, election, term .....	91a
3. Supreme Court; chief justice .....	91b
4. Supreme Court; jurisdiction .....	91c
5. Supreme Court; rules .....	91d
6. Supreme Court; written decisions ..	91e
7. Supreme Court, staff supervision ...	91f
8. Court of Appeals; judges, elections..	92a
9. Court of Appeals; terms .....	92b
10. Court of Appeals; jurisdiction .....	92c
11. Judicial Circuits; districts .....	93a
12. Circuit Courts; elections, terms ....	93b
13. Circuit Courts; jurisdiction .....	93c
14. Clerk; vacancies .....	93d
15. Probate Courts; jurisdiction .....	94a
16. Probate Courts; judges, elections ...	94b
17. Salaries; restriction .....	96a-1
18. Salaries; uniformity .....	96g
19. Courts of Record; seal .....	96a
20. Judge; removal from domicile .....	96b
21. Judges; ineligibility for other office..	96c
22. Candidacy; affidavit .....	96l
23. Vacancy; courts of record .....	96d
24. Judges; ballot designation .....	96e
25. Removal .....	96h
26. Certain offices abolished .....	96i
27. Prohibition; power of appointment ..	96n
28. Administrative decisions; review ...	95a
29. Conservators of peace .....	96o

### 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

Sec.	Com. Proposal
1. Counties; corporate character .....	81a
2. Counties; charter .....	89a
3. Townships in county .....	81b
4. County officers .....	81c
5. Offices at County Seat .....	81d
6. Sheriff, ineligibility other office, security responsibility for acts .....	81e
7. Board of Supervisors; representation from cities .....	81f
8. Board of Supervisors; powers .....	81g
9. Board of Supervisors; power over compensation .....	81h
10. Removal of County Seat .....	81j
11. Indebtedness; limitation .....	81i
12. Navigable Streams; permission to bridge or dam .....	81k
13. County Consolidation .....	81n
14. Townships; organization and consolidation .....	81l
15. Counties; Intervention in rate proceedings .....	85c
16. Highways; powers of supervisors; county or district road system; tax limitation .....	86a
17. Township; corporate character .....	82a
18. Township officers .....	82c
19. Public Utility Franchises .....	82e
20. Townships, dissolution .....	82d
21. Cities & Villages; incorporation .....	83a
22. Charters; law and ordinances .....	83b
23. Power to acquire and maintain parks, hospitals .....	83c
24. Public utilities; power to own and operate .....	83e
25. Elective franchise; public utilities ..	83f

1	26.	Taxation for private purposes .....	83d
2	27.	Metropolitan Areas .....	88a
3	28.	Intrastate Cooperation .....	88b
4	29.	Highways, streets, etc.; use by util-	
5		ities; control .....	85a
6	30.	Franchises; limitations .....	85b
7	31.	Highways, streets, etc.; vacation, alter-	
8		ation .....	86b
9	32.	Local Government .....	57a
10	33.	Local Government article liberal con-	
11		struction .....	84a

## Article VII

### Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

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

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

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

## ARTICLE VIII EDUCATION

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

## Article VIII Education

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

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

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

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

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have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

# ARTICLE IX FINANCE & TAXATION

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

## Article IX

### Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE X PROPERTY

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

## Article X Property

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

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

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

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

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

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

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

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

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

## ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

### Article XI

#### Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XII AMENDMENT & REVISION

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

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



## Article XII

## Amendment &amp; 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 | trict in the city with which it is combined, if  
2 | provided by ordinance of the city. The district  
3 | or districts with which the territory shall be  
4 | combined shall be determined by such ordinance  
5 | certified to the secretary of state. No such change  
6 | in the boundaries of a representative or senatorial  
7 | district shall have the effect of removing a legis-  
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-  
10 | tiguous by land to the county of which they are  
11 | a part.

12 | Sec. 6. A commission on legislative apportion-  
13 | ment is hereby established consisting of eight  
14 | persons, four of whom shall be selected by the  
15 | state organizations of each of the two political  
16 | parties whose candidates for governor received  
17 | the highest vote at the last general election at  
18 | which a governor was elected preceding each ap-  
19 | portionment. If a candidate for governor of a third  
20 | political party has received at such election more  
21 | than 25 percent of such gubernatorial vote, the  
22 | commission shall consist of 12 members, four of  
23 | whom shall be selected by the state organization of  
24 | the third political party. One member of the com-  
25 | mission shall be selected by each political party or-  
26 | ganization from each of the following four regions:  
27 | (1) The upper peninsula; (2) The northern part of  
28 | the lower peninsula, north of a line drawn along  
29 | the northern boundaries of the counties of Bay,  
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;  
31 | (3) Southwestern Michigan, those counties south  
32 | of region (2) and west of a line drawn along  
33 | the western boundaries of the counties of Bay,  
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-  
35 | dale; (4) Southeastern Michigan, the remaining  
36 | counties of the state.

37 | No officers or employees of the federal, state  
38 | or local governments, excepting notaries public  
39 | and members of the armed forces reserve, shall  
40 | be eligible for membership on the commission.  
41 | Members of the commission shall not be eligible  
42 | for election to the legislature until two years after  
43 | the apportionment in which they participated  
44 | becomes effective.

45 | The commission shall be appointed immediately  
46 | after the adoption of this constitution and when-  
47 | ever apportionment or districting of the legislature  
48 | is required by the provisions of this constitution.  
49 | Members of the commission shall hold office until  
50 | each apportionment or districting plan becomes  
51 | effective. Vacancies shall be filled in the same  
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of  
54 | the commission without vote, and in that capacity  
55 | shall furnish, under the direction of the commis-  
56 | sion, all necessary technical services. The com-  
57 | mission shall elect its own chairman, shall make  
58 | its own rules of procedure, and shall receive com-  
59 | pensation provided by law. The legislature shall  
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-  
2 | stitution, and after the official total population  
3 | count of each federal decennial census of the state  
4 | and its political subdivisions is available, the se-  
5 | cretary of state shall issue a call convening the  
6 | commission not less than 30 nor more than 45  
7 | days thereafter. The commission shall complete  
8 | its work within 180 days after all necessary census  
9 | information is available. The commission shall  
10 | proceed to district and apportion the senate and  
11 | house of representatives according to the provi-  
12 | sions of this constitution. All final decisions shall  
13 | require the concurrence of a majority of the mem-  
14 | bers of the commission. The commission shall hold  
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan  
17 | shall be published as provided by law within 30  
18 | days from the date of its adoption and shall be-  
19 | come law 60 days after publication. The secre-  
20 | tary of state shall keep a public record of all the  
21 | proceedings of the commission and shall be re-  
22 | sponsible for the publication and distribution of  
23 | each plan.

24 | If a majority of the commission cannot agree  
25 | on a plan, each member of the commission, indi-  
26 | vidualy or jointly with other members, may sub-  
27 | mit a proposed plan to the supreme court. The  
28 | supreme court shall determine which plan com-  
29 | plies most accurately with the constitutional re-  
30 | quirements and shall direct that it be adopted  
31 | by the commission and published as provided  
32 | in this section.

33 | Upon the application of any elector filed not  
34 | later than 60 days after final publication of the  
35 | plan, the supreme court, in the exercise of origi-  
36 | nal jurisdiction, shall direct the secretary of  
37 | state or the apportionment commission to per-  
38 | form their duties, may review any final plan  
39 | adopted by the commission, and shall remand  
40 | such plan to the commission for further action  
41 | if it fails to comply with the requirements of  
42 | this constitution.

43 | Sec. 7. Each senator and representative  
44 | must be a citizen of the United States, at least  
45 | 21 years of age, and an elector of the district  
46 | he represents. The removal of his domicile from  
47 | the district shall be deemed a vacation of the  
48 | office. No person who has been convicted of sub-  
49 | version or who has within the preceding 20 years  
50 | been convicted of a felony involving a breach  
51 | of public trust shall be eligible for either house  
52 | of the legislature.

53 | Sec. 8. No person holding any office under the  
54 | United States or this state or a political subdivi-  
55 | sion thereof, except notaries public and officers  
56 | of the armed forces reserve, may be a member of  
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature  
59 | shall receive any civil appointment within this  
60 |



1 state from the governor, except notaries public,  
2 from the legislature, or from any other state  
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any  
5 state officer shall be interested directly or in-  
6 directly in any contract with the state or any  
7 political subdivision thereof which shall cause a  
8 substantial conflict of interest. The legislature  
9 shall further implement this provision by appro-  
10 priate legislation.

11 Sec. 11. Senators and representatives shall be  
12 privileged from civil arrest and civil process dur-  
13 ing sessions of the legislature and for five days  
14 next before the commencement and after the  
15 termination thereof. They shall not be ques-  
16 tioned in any other place for any speech in either  
17 house.

18 Sec. 12. The compensation and expense al-  
19 lowances of the members of the legislature shall  
20 be determined by law. Changes in compensation  
21 or expense allowances shall become effective only  
22 when legislators commence their terms of office  
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat  
25 of government on the second Wednesday in Janu-  
26 ary of each year at twelve o'clock noon. Each  
27 regular session shall adjourn without day, on a  
28 day determined by concurrent resolution, at  
29 twelve o'clock noon. Any business, bill or joint  
30 resolution pending at the final adjournment of  
31 a regular session held in an odd numbered year  
32 shall carry over with the same status to the  
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-  
42 tive council consisting of legislators appointed in  
43 the manner prescribed by law. The legislature  
44 shall appropriate funds for the council's opera-  
45 tions and provide for its staff which shall main-  
46 tain bill drafting, research and other services  
47 for the members of the legislature. The council  
48 shall periodically examine and recommend to the  
49 legislature revision of the various laws of the  
50 state.

51 Sec. 16. Each house, except as otherwise pro-  
52 vided in this constitution, shall choose its own  
53 officers and determine the rules of its proceedings,  
54 but shall not adopt any rule that will prevent a  
55 majority of the members elected thereto and  
56 serving therein from discharging a committee  
57 from the further consideration of any measure.  
58 Each house shall be the sole judge of the quali-  
59 fications, elections and returns of its members,  
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving  
2 therein, expel a member. The reasons for such  
3 expulsion shall be entered in the journal, with  
4 the votes and names of the members voting upon  
5 the question. No member shall be expelled a  
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may  
8 establish the committees necessary for the effi-  
9 cient conduct of its business and the legislature  
10 may create joint committees. Each committee  
11 shall by roll call vote record the vote and name  
12 of all action on bills and resolutions taken in  
13 the committee. Such vote shall be available for  
14 public inspection. Notice of all committee hear-  
15 ings and a clear statement of all subjects to be  
16 considered at each hearing shall be published in  
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of  
19 its proceedings, and publish the same unless the  
20 public security otherwise requires. The record  
21 of the vote and name of the members of either  
22 house voting on any question shall be entered  
23 in the journal at the request of one-fifth of the  
24 members present. Any member of either house  
25 may dissent from and protest against any act,  
26 proceeding or resolution which he deems injuri-  
27 ous to any person or the public, and have the  
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in  
30 joint convention and all votes on appointments  
31 submitted to the senate for advice and consent  
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-  
36 sent of the other, adjourn for more than two  
37 intervening calendar days, nor to any place other  
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and  
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The  
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one  
44 object, which shall be expressed in its title. No  
45 bill shall be altered or amended on its passage  
46 through either house so as to change its original  
47 purpose as determined by its total content and  
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or  
50 amended by reference to its title only. The section  
51 or sections of the act altered or amended shall  
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a  
54 law at any regular session of the legislature until  
55 it has been printed or reproduced and in the pos-  
56 session of each house for at least five days. Every  
57 bill shall be read three times in each house be-  
58 fore the final passage thereof. No bill shall be-  
59 come a law without the concurrence of a majority  
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## Article V

### Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The



supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes  
2 his domicile beyond the limits of the territory  
3 from which he was elected, he shall have vacated  
4 his office.

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

10 Sec. 22. Any elected judge of the court of  
11 appeals, circuit court or probate court may be-  
12 come a candidate in the primary election for the  
13 office of which he is the incumbent by filing an  
14 affidavit of candidacy in the form and manner  
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a  
17 judge of any court of record shall be filled at a  
18 general or special election as provided by law.  
19 The supreme court may authorize persons who  
20 have served as judges and who have retired, to  
21 perform judicial duties for the limited period of  
22 time from the occurrence of the vacancy until  
23 the successor is elected and qualified. Such per-  
24 sons shall be ineligible for election to fill the  
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot  
27 under the name of each elected incumbent justice  
28 or judge who is a candidate for nomination or  
29 election to the same office the designation of  
30 that office.

31 Sec. 25. For reasonable cause, which is not  
32 sufficient ground for impeachment, the governor  
33 shall remove any judge on a concurrent resolution  
34 of two-thirds of the members elected to and serv-  
35 ing in each house of the legislature. The cause  
36 for removal shall be stated at length in the  
37 resolution.

38 Sec. 26. The offices of circuit court commis-  
39 sioner and justice of the peace are abolished at  
40 the expiration of five years from the date this  
41 constitution becomes effective or may within this  
42 period be abolished by law. Their jurisdiction,  
43 compensation and powers within this period shall  
44 be as provided by law. Within this five-year period,  
45 the legislature shall establish a court or courts  
46 of limited jurisdiction with powers and jurisdic-  
47 tion defined by law. The location of such court  
48 or courts, and the qualifications, tenure, method  
49 of election and salary of the judges of such court  
50 or courts, and by what governmental units the  
51 judges shall be paid, shall be provided by law,  
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-  
58 peals, the circuit court, or any justices or judges  
59 thereof, shall not exercise any power of appoint-  
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings  
2 and orders of any administrative officer or agency  
3 existing under the constitution or by law, which  
4 are judicial or quasi-judicial and affect private  
5 rights or licenses, shall be subject to direct re-  
6 view by the courts as provided by law. This re-  
7 view shall include, as a minimum, the determina-  
8 tion whether such final decisions, findings, rulings  
9 and orders are authorized by law; and, in cases in  
10 which a hearing is required, whether the same  
11 are supported by competent, material and sub-  
12 stantial evidence on the whole record. Findings  
13 of fact in workmen's compensation proceedings  
14 shall be conclusive in the absence of fraud un-  
15 less otherwise provided by law.

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

## Article VII

### Local Government

1 Sec. 1. Each organized county shall be a body  
2 corporate with powers and immunities provided  
3 by law.

4 Sec. 2. Any county may frame, adopt, amend  
5 or repeal a county charter in a manner and with  
6 powers and limitations to be provided by general  
7 law, which shall among other things provide for  
8 the election of a charter commission. The law  
9 may permit the organization of county govern-  
10 ment in form different from that set forth in this  
11 constitution and shall limit the rate of ad valorem  
12 property taxation for county purposes, and re-  
13 strict the powers of charter counties to borrow  
14 money and contract debts. Each charter county  
15 is hereby granted power to levy other taxes for  
16 county purposes subject to limitations and pro-  
17 hibitions set forth in this constitution or law.  
18 Subject to law, a county charter may authorize  
19 the county through its regularly constituted  
20 authority to adopt resolutions and ordinances re-  
21 lating to its concerns.

22 The board of supervisors by a majority vote  
23 of its members may, and upon petition of five  
24 percent of the electors shall, place upon the ballot  
25 the question of electing a commission to frame a  
26 charter.

27 No county charter shall be adopted, amended  
28 or repealed until approved by a majority of elec-  
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced  
31 by the organization of new counties to less than  
32 16 townships as surveyed by the United States,  
33 unless approved in the manner prescribed by law  
34 by a majority of electors voting thereon in each  
35 county to be affected.

36 Sec. 4. There shall be elected for four-year  
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 Sec. 23. Any city or village may acquire, own,  
2 establish and maintain, within or without its  
3 corporate limits, parks, boulevards, cemeteries,  
4 hospitals and all works which involve the public  
5 health or safety.

6 Sec. 24. Subject to this constitution, any city  
7 or village may acquire, own or operate, within  
8 or without its corporate limits, public service  
9 facilities for supplying water, light, heat, power,  
10 sewage disposal and transportation to the municipi-  
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,  
13 power or light without its corporate limits in an  
14 amount not exceeding 25 percent of that furnished  
15 by it within the corporate limits, except as greater  
16 amounts may be permitted by law; may sell and  
17 deliver water and provide sewage disposal services  
18 outside of its corporate limits in such amount as  
19 may be determined by the legislative body of the  
20 city or village; and may operate transportation  
21 lines outside the municipality within such limits  
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any  
24 public utility furnishing light, heat or power, or  
25 grant any public utility franchise which is not  
26 subject to revocation at the will of the city or  
27 village, unless the proposition shall first have been  
28 approved by three-fifths of the electors voting  
29 thereon. No city or village may sell any public  
30 utility unless the proposition shall first have been  
31 approved by a majority of the electors voting  
32 thereon, or a greater number if the charter shall  
33 so provide.

34 Sec. 26. Except as otherwise provided in this  
35 constitution, no city or village shall have the  
36 power to loan its credit for any private purpose  
37 or, except as provided by law, for any public pur-  
38 pose.

39 Sec. 27. Notwithstanding any other provision  
40 of this constitution the legislature may establish  
41 in metropolitan areas additional forms of govern-  
42 ment or authorities with powers, duties and juris-  
43 dictions as the legislature shall provide. Where-  
44 ever possible, such additional forms of govern-  
45 ment or authorities shall be designed to perform  
46 multi-purpose functions rather than a single  
47 function.

48 Sec. 28. The legislature by general law shall  
49 authorize two or more counties, townships, cities,  
50 villages or districts, or any combination thereof  
51 among other things to: enter into contractual  
52 undertakings or agreements with one another or  
53 with the state or with any combination thereof  
54 for the joint administration of any of the functions  
55 or powers which each would have the power to  
56 perform separately; share the costs and responsi-  
57 bilities of functions and services with one another  
58 or with the state or with any combination thereof  
59 which each would have the power to perform  
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon  
2 the consent of each unit involved; cooperate with  
3 one another and with state government; lend their  
4 credit to one another or any combination thereof  
5 as provided by law in connection with any au-  
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-  
8 withstanding, an officer or employee of the state  
9 or any such unit of government or subdivision  
10 or agency thereof, except members of the legis-  
11 lature, may serve on or with any governmental  
12 body established for the purposes set forth in  
13 this section and shall not be required to relin-  
14 quish his office or employment by reason of such  
15 service.

16 Sec. 29. No person, partnership, association or  
17 corporation, public or private, operating a public  
18 utility shall have the right to the use of the high-  
19 ways, streets, alleys or other public places of  
20 any county, township, city or village for wires,  
21 poles, pipes, tracks, conduits or other utility  
22 facilities, without the consent of the duly con-  
23 stituted authority of the county, township, city  
24 or village; or to transact local business therein  
25 without first obtaining a franchise from the town-  
26 ship, city or village. Except as otherwise provided  
27 in this constitution the right of all counties, town-  
28 ships, cities and villages to the reasonable control  
29 of their highways, streets, alleys and public  
30 places is hereby reserved to such local units of  
31 government.

32 Sec. 30. No franchise or license shall be  
33 granted by any township, city or village for a  
34 period longer than 30 years.

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

39 Sec. 32. Any county, township, city, village,  
40 authority or school district empowered by the  
41 legislature or by this constitution to prepare bud-  
42 gets of estimated expenditures and revenues shall  
43 adopt such budgets only after a public hearing  
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-  
46 division may be removed from office in the manner  
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and  
49 law concerning counties, townships, cities and vil-  
50 lages shall be liberally construed in their favor.  
51 Powers granted to counties and townships by this  
52 constitution and by law shall include those fairly  
53 implied and not prohibited by this constitution.

## Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-  
 2 port a system of free public elementary and sec-  
 3 ondary schools as defined by law. Every school  
 4 district shall provide for the education of its  
 5 pupils without discrimination as to religion, creed,  
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over  
 8 all public education, including adult education and  
 9 instructional programs in state institutions, except  
 10 as to institutions of higher education granting  
 11 baccalaureate degrees, is vested in a state board  
 12 of education. It shall serve as the general plan-  
 13 ning and coordinating body for all public educa-  
 14 tion, including higher education, and shall advise  
 15 the legislature as to the financial requirements  
 16 in connection therewith.

17 The state board of education shall appoint a  
 18 superintendent of public instruction whose term  
 19 of office shall be determined by the board. He  
 20 shall be the chairman of the board without the  
 21 right to vote, and shall be responsible for the  
 22 execution of its policies. He shall be the principal  
 23 executive officer of a state department of educa-  
 24 tion which shall have powers and duties provided  
 25 by law.

26 The state board of education shall consist of  
 27 eight members who shall be nominated by party  
 28 conventions and elected at large for terms of  
 29 eight years as prescribed by law. The governor  
 30 shall fill any vacancy by appointment for the  
 31 unexpired term. The governor shall be ex-officio  
 32 a member of the state board of education with-  
 33 out the right to vote.

34 The power of the boards of institutions of higher  
 35 education provided in this constitution to super-  
 36 vise their respective institutions and control and  
 37 direct the expenditure of the institutions' funds  
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate  
 40 moneys to maintain the university of Michigan,  
 41 Michigan State University, Wayne State Univer-  
 42 sity, Eastern Michigan University, Michigan Col-  
 43 lege of Science and Technology, Central Michi-  
 44 gan University, Northern Michigan University,  
 45 Western Michigan University, Ferris Institute,  
 46 Grand Valley State College, by whatever names  
 47 such institutions may hereafter be known, and  
 48 other institutions of higher education established  
 49 by law. The legislature shall be given an annual  
 50 accounting of all income and expenditures by each  
 51 of these educational institutions. Formal sessions  
 52 of governing boards of such institutions shall be  
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-  
 55 gan and their successors in office shall constitute  
 56 a body corporate known as the Regents of the  
 57 University of Michigan; the trustees of Michigan  
 58 State University and their successors in office shall  
 59 constitute a body corporate known as the Board  
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their  
 successors in office shall constitute a body corpor-  
 ate known as the Board of Governors of Wayne  
 State University. Each board shall have general  
 supervision of its institution and the control and  
 direction of all expenditures from the institution's  
 funds. Each board shall, as often as necessary,  
 elect a president of the institution under its su-  
 pervision. He shall be the principal executive of-  
 ficer of the institution, be ex-officio a member of  
 the board without the right to vote and preside  
 at meetings of the board. The board of each in-  
 stitution shall consist of eight members who shall  
 hold office for terms of eight years and who shall  
 be elected as provided by law. The governor shall  
 fill board vacancies by appointment. Each ap-  
 pointee shall hold office until a successor has been  
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education  
 established by law having authority to grant  
 baccalaureate degrees shall each be governed by  
 a board of control which shall be a body corporate.  
 The board shall have general supervision of the  
 institution and the control and direction of all  
 expenditures from the institution's funds. It shall,  
 as often as necessary, elect a president of the in-  
 stitution under its supervision. He shall be the  
 principal executive officer of the institution and  
 be ex-officio a member of the board without the  
 right to vote. The board may elect one of its mem-  
 bers or may designate the president, to preside at  
 board meetings. Each board of control shall con-  
 sist of eight members who shall hold office for  
 terms of eight years, not more than two of which  
 shall expire in the same year, and who shall be  
 appointed by the governor by and with the ad-  
 vice and consent of the senate. Vacancies shall  
 be filled in like manner.

Sec. 7. The legislature shall provide by law  
 for the establishment and financial support of  
 public community and junior colleges which shall  
 be supervised and controlled by locally elected  
 boards. The legislature shall provide by law for  
 a state board for public community and junior  
 colleges which shall advise the state board of  
 education concerning general supervision and plan-  
 ning for such colleges and requests for annual  
 appropriations for their support. The board shall  
 consist of eight members who shall hold office  
 for terms of eight years, not more than two of  
 which shall expire in the same year, and who shall  
 be appointed by the state board of education. Va-  
 cancies shall be filled in like manner. The super-  
 intendent of public instruction shall be ex-officio  
 a member of this board without the right to vote.

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



1 Sec. 9. The legislature shall provide by law for  
2 the establishment and support of public libraries  
3 which shall be available to all residents of the state  
4 under regulations adopted by the governing bodies  
5 thereof. All fines assessed and collected in the  
6 several counties, cities and townships for any  
7 breach of the penal laws shall be exclusively ap-  
8 plied to the support of such public libraries, and  
9 county law libraries as provided by law.

## Article IX

### Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-  
14 ficient with other resources to pay the expenses of  
15 state government.

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

18 Sec. 3. The legislature shall provide for the  
19 uniform general ad valorem taxation of real and  
20 tangible personal property not exempt by law. The  
21 legislature shall provide for the determination of  
22 true cash value of such property; the proportion  
23 of true cash value at which such property shall  
24 be uniformly assessed, which shall not, after  
25 January 1, 1966, exceed 50 percent; and for a sys-  
26 tem of equalization of assessments. The legislature  
27 may provide for alternative means of taxation of  
28 designated real and tangible personal property in  
29 lieu of general ad valorem taxation. Every tax  
30 other than the general ad valorem property tax  
31 shall be uniform upon the class or classes on  
32 which it operates.

33 Sec. 4. Property owned and occupied by non-  
34 profit religious or educational organizations and  
35 used exclusively for religious or educational pur-  
36 poses, as defined by law, shall be exempt from  
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the  
39 assessment by the state of the property of those  
40 public service businesses assessed by the state  
41 at the date this constitution becomes effective, and  
42 of other property as designated by the legislature,  
43 and for the imposition and collection of taxes  
44 thereon. Property assessed by the state shall be  
45 assessed at the same proportion of its true  
46 cash value as the legislature shall specify for  
47 property subject to general ad valorem taxation.  
48 The rate of taxation on such property shall be  
49 the average rate levied upon other property in this  
50 state under the general ad valorem tax law, or,  
51 if the legislature provides, the rate of tax applicable  
52 to the property of each business enterprise assessed  
53 by the state shall be the average rate of ad valorem  
54 taxation levied upon other property in all counties  
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this  
57 constitution, the total amount of general ad valo-  
58 rem taxes imposed upon real and tangible per-  
59 sonal property for all purposes in any one year  
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.  
2 Under procedures provided by law, which shall  
3 guarantee the right of initiative, separate tax  
4 limitations for any county and for the townships  
5 and for school districts therein, the aggregate of  
6 which shall not exceed 18 mills on each dollar of  
7 such valuation, may be adopted and thereafter  
8 altered by the vote of a majority of the qualified  
9 electors of such county voting thereon, in lieu  
10 of the limitation hereinbefore established. These  
11 limitations may be increased to an aggregate of  
12 not to exceed 50 mills on each dollar of valuation,  
13 for a period of not to exceed 20 years at any one  
14 time, if approved by a majority of the electors,  
15 qualified under Section 6 of Article II of this  
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to  
18 taxes imposed for the payment of principal and  
19 interest on bonds or other evidences of indebted-  
20 ness or for the payment of assessments or con-  
21 tract obligations in anticipation of which bonds  
22 are issued, which taxes may be imposed without  
23 limitation as to rate or amount; or to taxes im-  
24 posed for any other purpose by any city, vil-  
25 lage, charter county, charter township, charter  
26 authority or other authority, the tax limitations  
27 of which are provided by charter or by general  
28 law.

29 In any school district which extends into two  
30 or more counties, property taxes at the highest  
31 rate available in the county which contains the  
32 greatest part of the area of the district may be  
33 imposed and collected for school purposes through-  
34 out the district.

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

38 Sec. 8. The legislature shall not impose a  
39 sales tax on retailers at a rate of more than  
40 four percent of their gross taxable sales of  
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales  
43 and use taxes and regulatory fees, imposed di-  
44 rectly or indirectly on fuels sold or used  
45 to propel motor vehicles upon highways and on  
46 registered motor vehicles shall, after the payment  
47 of necessary collection expenses, be used exclusi-  
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on  
50 retailers on taxable sales at retail of tangible  
51 personal property shall be used exclusively for  
52 assistance to townships, cities and villages, on  
53 a population basis as provided by law. In de-  
54 termining population the legislature may exclude  
55 any portion of the total number of persons who  
56 are wards, patients or convicts in any tax sup-  
57 ported institution.

58 Sec. 11. There shall be established a state  
59 school aid fund which shall be used exclusively  
60 for the support of public education and school



employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

#### Article X Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property

shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

#### Article XI

##### Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove 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-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

## Article XII

### Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

as provided by law.

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

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

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may 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
<b>Bowens</b>	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.

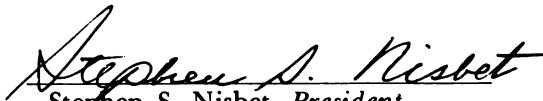
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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]

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***What the Proposed  
New State Constitution  
Means to You***

- A report to the people of Michigan  
by their elected delegates to the  
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

*of 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.*

This is a new section relating to governing bodies of other state-supported institutions of higher learning which have authority to grant baccalaureate degrees.

The provisions relative to their boards of control are similar to those for the institutions named in Sec. 5 of this Article. 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. The boards may elect one of their number, or may designate the president of the institution, to preside at board meetings.

#### **Community and junior colleges.**

*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.*

This is a new section requiring 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.

The legislature is also authorized to provide for a state board for public community and junior colleges which will advise the state board of education as to general supervision, planning and appropriations for such colleges. The board of eight members, serving eight-year terms, is to be appointed by the state board of education. The superintendent of public instruction is to be ex officio a member of this board without the right to vote.

#### **Instruction programs, etc.**

*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.*

This is a revision of Sec. 15, Article XI, of the present constitution. The new language after the word "institutions" replaces "for the benefit of those inhabitants who are deaf, dumb, blind, feeble-minded or insane".

The revised section recognizes that the present constitutional language is not only too restrictive in scope but in certain cases has been outmoded by recent developments in the field of physical and mental rehabilitation. The words "programs and services" are added as broader concepts not necessarily confined to institutional treatment.

#### **Public libraries; support of.**

*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.*

This is a revision of Sec. 14, Article XI, of the present constitution which decrees that "the legislature shall provide by law for the establishment of at least one library in each township and city." This has never been adhered to as a matter of practice.

The proposed new language emphasizes that "public" libraries will be "available" to residents without fixing how or where libraries shall be organized. Reasonable rules for the use and control of their facilities may be adopted by the governing bodies of the libraries.

Penal fines for support of libraries are continued. County law libraries are also recognized. They have previously shared in penal fine collections through legislative enactment.