

Michigan Constitutional Convention of 1961

Committee Proposal 56

Const 1963, Art 9, § 6

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3446, 3471
First Reading	pp. 724, 913-928, 938-939, 2406
Second Reading	pp. 2627-2631
Draft Constitution (Art 9, § 6)	pp. 3047-3075 (pp. 3067-3068)
Third Reading, Article-by-Article	pp. 3162-3163, 3185-3187
Draft Constitution (Art 9, § 6)	pp. 3215-3237 (p. 3231)
Third Reading, Full Constitution	pp. 3238, 3300-3301
Adopted Constitution (Art 9, § 6)	pp. 3319-3353 (p. 3344)
Address to the People	p. 3399

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
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Associate Editor

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

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

* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a ¹
I	8	II	7	15-7	IV	31	none		41	VI	18	VII	12	96g
I	9	II	8	15-8	IV	32	X	6	46b	VI	19	VII	17	96a
I	10	II	9	15-9	IV	33	V	36	53	VI	20	VII	19	96b
I	11	II	10	15-10	IV	34	V	38	70	VI	21	VII	9	96c
I	12	II	11	15-11	IV	35	V	39	113	VI	22	none		96l
I	13	II	12	15-12	IV	36	V	40	24	VI	23	VII	20	96d
I	14	II	13	15-13	IV	37	none		108	VI	24	VII	23	96e
I	15	II	14	15-14	IV	38	XVI	5	123	VI	25	IX	6	96h
I	16	II	15	15-15	IV	39	XVI	5	122	VI	26	VII	15,16, 21	96i
I	17	II	16	15-16	IV	40	XVI	11	122	VI	27	VII	6,11	96n
I	18	II	17	15-17	IV	41	V	33	27	VI	28	none		95
I	19	II	18	15-18	IV	42	VIII	30	100	VI	29	VII	18	96o
I	20	II	19	15-19	IV	43	XII	9	5					
I	21	II	20	15-20	IV	44	V	27	99	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	106	VII	2	none		89
I	23	none		15-1	IV	46	none		20	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	8	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	9,10	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	13	34	V	28	none		71h	VIII	5	XI	3,4,5, 7,8,16	98b
IV	15	V	14	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

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Mar. 29, considered, amended, passed by committee of the whole	1973-1976
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	1987
(Note: The entire content stricken.)	
49. A proposal with reference to the borrowing of money by public corporations and bodies. Amends article VIII by adding a section.	
For text as offered and reasons	852
As referred to style and drafting	852
As reported by style and drafting	2659
As rereferred to style and drafting	2659
Jan. 31, reported by finance and taxation; referred to committee of the whole	723
Feb. 7, read first time; considered, passed by committee of the whole	852
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting	863
Apr. 13, reported by style and drafting (Report 64); placed on order of second reading	2406
Apr. 19, read second time; passed; rereferred to style and drafting	2659
50. A proposal to require the legislature to provide sufficient taxes to meet the state's expenses covering the substance of section 2, article X of the 1908 constitution.	
For text as offered and reasons	853
As referred to style and drafting	853
As reported by style and drafting	2660
As rereferred to style and drafting	2660
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 7, read first time; considered, passed by committee of the whole	853
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting	863
Mar. 5, reported by style and drafting (Report 29); placed on order of second reading	1430
Apr. 19, read second time; passed; rereferred to style and drafting	2660
51. A proposal setting up the uniform rule of taxation for providing for equalization a maximum limit for assessments, prohibiting a graduated income tax, and covering the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution.	
For text as offered and reasons	853
For minority reports and reasons	854
As referred to style and drafting	909
As reported by style and drafting	2641
As rereferred to style and drafting	2657
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 7, read first time; considered, amended by committee of the whole	853-863, 866-881
Feb. 8, considered, passed by committee of the whole	882-906
Feb. 8, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	906-909
Apr. 13, reported by style and drafting (Report 65); placed on order of second reading	2406
Apr. 19, read second time; amended, passed; rereferred to style and drafting	2641-2657
52. A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution.	
For text as offered and reasons	910
As referred to style and drafting	920
As reported by style and drafting	2660
As rereferred to style and drafting	2690
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 8, read first time; considered, amended, passed by committee of the whole	910-911
Feb. 8, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	920

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Apr. 13, reported by style and drafting (Report 66); placed on order of second reading	2406
Apr. 19, read second time; amended, not passed	2660-2666
Apr. 23, vote on passage reconsidered; passed as amended; rereferred to style and drafting ..	2686-2690
53. A proposal to require that every tax law shall distinctly describe the tax, covering article X, section 6 of the present constitution.	
For text as offered and reasons	911
As referred to style and drafting	911
As reported by style and drafting	2666
As rereferred to style and drafting	2666
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 8, read first time; considered, passed by committee of the whole	911-912
Feb. 8, reported by committee of the whole without amendment; referred to style and drafting	920
Mar. 12, reported by style and drafting (Report 33); placed on order of second reading	1568
Apr. 19, read second time; passed; rereferred to style and drafting	2666-2667
54. A proposal that the power of taxation shall never be surrendered, suspended, or contracted away, covering the material in article X, section 9 of the present constitution.	
For text as offered and reasons	912
As referred to style and drafting	912
As reported by style and drafting	2667
As rereferred to style and drafting	2667
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 8, read first time; considered, passed by committee of the whole	912
Feb. 8, reported by committee of the whole without amendment; referred to style and drafting	920
Mar. 12, reported by style and drafting (Report 34); placed on order of second reading	1568
Apr. 19, read second time; passed; rereferred to style and drafting	2667-2668
55. A proposal to include article X, section 19 of the 1908 constitution in the new constitution.	
For text as offered and reasons	912
As referred to style and drafting	912
As reported by style and drafting	2668
As rereferred to style and drafting	2668
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 8, read first time; considered, passed by committee of the whole	912
Feb. 8, reported by committee of the whole without amendment; referred to style and drafting	920
Apr. 13, reported by style and drafting (Report 67); placed on order of second reading	2406
Apr. 19, read second time; passed; rereferred to style and drafting	2668
56. A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation.	
For text as offered and reasons	913
As referred to style and drafting	939
As reported by style and drafting	2627
As rereferred to style and drafting	2631
Jan. 31, reported by finance and taxation; referred to committee of the whole	724
Feb. 8, read first time; considered, substituted by committee of the whole	913-920
Feb. 9, substitute considered, amended, passed by committee of the whole	921-928
Feb. 9, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	938-939
Apr. 13, reported by style and drafting (Report 68); placed on order of second reading	2406
Apr. 19, read second time; substituted, passed; rereferred to style and drafting	2627-2631

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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

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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

Committee Proposal 50, A proposal to require the legislature to provide sufficient taxes to meet the state's expenses covering the substance of section 2, article X of the 1908 constitution; with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 50 and the reasons submitted in support thereof, see below under date of February 7.

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

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

Committee Proposal 51, A proposal setting up the uniform rule of taxation for providing for equalization a maximum limit for assessments, prohibiting a graduated income tax, and covering the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 51 and the reasons submitted in support thereof, see below under date of February 7.

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

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

Committee Proposal 52, A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 52 and the reasons submitted in support thereof, see below under date of February 8.

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

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

Committee Proposal 53, A proposal to require that every tax law shall distinctly describe the tax, covering article X, section 6 of the present constitution;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 53 and the reasons submitted in support thereof, see below under date of February 8.

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

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

Committee Proposal 54, A proposal that the power of taxation shall never be surrendered, suspended, or contracted away, covering the material in article X, section 9 of the present constitution;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 54 and the reasons submitted in support thereof, see below under date of February 8.

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

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

Committee Proposal 55, A proposal to include article X, section 19 of the 1908 constitution in the new constitution;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 55 and the reasons submitted in support thereof, see below under date of February 8.

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

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

Committee Proposal 56, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 56 and the reasons submitted in support thereof, see below under date of February 8.

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

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

Committee Proposal 57, A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section;

with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 57 and the reasons submitted in support thereof, see below under date of February 9.

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

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

Exclusion Report 2027, A report recommending the exclusion of article VI, sections 14 and 15. Substitute for Exclusion Reports 2001 and 2002.

John B. Martin, chairman.

For Exclusion Report 2027 and the reasons submitted in support thereof, see below under date of March 19.

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

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

Exclusion Report 2028, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X.

D. Hale Brake, chairman.

For Exclusion Report 2028 and the reasons submitted in support thereof, see below under date of February 9.

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

SECRETARY CHASE: Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduces

Committee Proposal 58, A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof;

with the recommendation that it pass.

James K. Pollock, chairman.

For Committee Proposal 58 and the reasons submitted in support thereof, see below under date of April 6.

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

SECRETARY CHASE: The committee on legislative powers, by Mr. Hoxie, chairman, reports back to the convention **Delegate Proposal 1340**, A proposal to limit the power of sale and disposition of certain public property and to require state officers under certain circumstances to resist condemnation by the United States government. Amends article V by adding a new section thereto; with the recommendation that the proposal be referred to the committee on emerging problems.

T. Jefferson Hoxie, chairman.

I think, would not refer to the supervisor or to the township clerk, who draw the warrants, but to the treasurer who has the money.

CHAIRMAN BENTLEY: Does the gentleman from St. Joseph desire to proceed? Are there any amendments to the body of the proposal? If not, it will pass.

Committee Proposal 55 is passed and the secretary will read.

SECRETARY CHASE: Item 30 on the calendar, from the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 56**, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation.

Following is Committee Proposal 56 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 total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.] EACH COUNTY, TOWNSHIP, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION OF THE STATE SHALL HAVE POWER TO LEVY THE HIGHEST UNVOTED TAX RATE, BUT IN THE CASE OF TOWNSHIPS NOT LESS THAN 1 MILL, ALLOTTED TO IT BETWEEN JANUARY 1, 1957, AND DECEMBER 31, 1961; BUT SHALL LEVY NO GENERAL AD VALOREM PROPERTY TAX IN EXCESS THEREOF, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION. THIS LIMITATION SHALL NOT APPLY TO TAXES LEVIED FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON OBLIGATIONS INCURRED PRIOR TO DECEMBER 8, 1932, WHICH SUMS SHALL BE SEPARATELY ASSESSED IN ALL CASES. THIS LIMITATION MAY BE INCREASED FOR NOT MORE THAN 20 YEARS FOR TAXES TO BE USED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS OR OTHER EVIDENCES OF INDEBTEDNESS OR FOR THE PURPOSE OF CAPITAL OUTLAY BY A MAJORITY VOTE OF THE ELECTORS OF THE TAXING DISTRICT WHO ARE QUALIFIED TO VOTE ON THE QUESTION OF ISSUING BONDS, VOTING THEREON AT ANY ELECTION. FOR ANY OTHER PURPOSE THE LIMITATION MAY BE INCREASED FOR NOT MORE THAN 20 YEARS BY A MAJORITY VOTE OF THE ELECTORS OF THE TAXING DISTRICT VOTING THEREON AT ANY ELECTION. THIS LIMITATION MAY BE INCREASED WHEN PROVIDED FOR BY THE CHARTER OF A MUNICIPAL CORPORATION.

THE AGGREGATE OF GENERAL AD VALOREM PROPERTY TAXES LEVIED BY EVERY TAXING AUTHORITY OTHER THAN A CITY OR VILLAGE SHALL NOT EXCEED 5 PER CENT.

ALL INCREASES HERETOFORE VOTED OR PROVIDED PURSUANT TO SECTION 21 OF ARTICLE X OF THE CONSTITUTION OF 1908 SHALL STAND AS INCREASES HEREUNDER, AND AS SUCH SHALL REMAIN IN EFFECT UNTIL THEY EXPIRE OR ARE REPEALED. THE TAXING POWER PLEDGED FOR THE PAYMENT OF ANY BONDS HERETOFORE ISSUED SHALL REMAIN UNIMPAIRED.

IN ANY SCHOOL DISTRICT WHICH EXTENDS INTO 2 OR MORE COUNTIES, THERE MAY BE

LEVIED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT PROPERTY TAXES AT THE HIGHEST RATE AVAILABLE IN THE YEARS 1957 THROUGH 1961 IN THE COUNTY WHICH CONTAINS THE GREATEST PART OF THE AREA OF THE DISTRICT.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Committee Proposal 56:

This proposal continues the substance of the present 15 mill limit on property taxes now set forth in section 21 of article X. It is intended to eliminate the present competition between counties, townships and school districts for their share of the 15 mills, and to avoid diversion of voted millage by tax allocation boards to purposes not intended by the voters. It accomplishes this purpose by establishing separate tax limits for each taxing authority, giving each unit which has participated in the 15 mills the highest millage allocated to it during the 5 years ending December 31, 1961. Townships would receive a limit of not less than 1 mill. The aggregate unvoted millage may thus slightly exceed 15 mills in some taxing districts, but this is not considered significant in view of substantial voted millages in excess of the 15 mills in most areas.

As at present, the voters of any taxing district can vote additional millage, subject to the present 20 year limit and the overall 50 mill limit. Cities and villages are excepted, as at present, from the 15 mill limit, and the only limitation to which they will be subject is that established by charter or by vote of the people.

All electors may vote on millage increases for general purposes, but only property owners may vote on taxes to retire bond issues or for capital outlay.

Saving provisions are incorporated to protect present voted millage and outstanding bonds.

The final section, dealing with multicounty school districts, is intended to answer a problem involving 60 counties of this state. It provides that in any school district which crosses county lines, the tax limitation shall be that applicable in the portion of the school district situated in the county containing the largest portion of the school district.

CHAIRMAN BENTLEY: The Chair would ask the gentleman from Stanton, the chairman of the committee, how he wishes to divide this proposal for purposes of discussion; into paragraphs?

MR. BRAKE: I think so, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman is recognized on the first paragraph.

MR. BRAKE: Mr. Chairman, if I may, I would like to make the explanation pretty generally on the whole thing first, and then take it up a paragraph at a time. This one is not so easy. But take a word of comfort: this is the last one coming from finance and taxation committee which, as far as we know, has any dynamite in it. This one has plenty.

In 1932, when we the people decided that we wanted to limit property taxes to 15 mills, we made necessary some machinery for determining who would get the 15 mills, and what the division would be as among the units of government entitled to that money. At first it was thought to include cities, if they cared to be under it, but more recently that has meant the townships, the school districts, and the counties. The answer that was given to that problem was the town and county tax allocation boards, which were supposed to review the budgets of these 3 units and then decide upon how the 15 mills would be divided, assuming, of course, that the 3 units together would ask for more than 15 mills.

It has been something that nobody has liked, particularly the good men and women who had the responsibility for making the determination on the tax allocation boards. There have been all kinds of charges, all kinds of dissatisfaction. The county government people have quite frequently claimed that the boards were loaded in favor of the schools; the school peo-

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

ple have very commonly claimed that the boards were loaded in favor of the county government; and townships have generally felt that they were ignored no matter what their needs were, and I think in some instances that was probably true. There has been general dissatisfaction.

A great many remedies have been suggested for the situation, and many were suggested to the committee. Many people—and this has been the object of resolutions by boards of supervisors and other bodies around the state—called for a fixed millage to each of these 3 units statewide: maybe 6 to counties, 8 to schools and 1 to townships. The committee has not been able to see how that is possible, because of the variety of situations that you have in your counties. We have one county, St. Joseph county, in this state which this year is running on 3.6 mills. We have 2 or 3 counties, Gogebic and Keweenaw are included and possibly Kalkaska, which are getting 10 mills, and if they were shut down to 3 mills or 4 mills, we would have to board up the windows of the court house. We have not been able to see how it is possible to have a fixed millage throughout the state for these units.

We came up with approval of a suggestion made by—that is, the fundamentals of it, at least—made by the municipal league, which is a fixed millage but not fixed statewide. We fully understand that we are out in dangerous territory, that we are in territory where we are going to have criticism, where we are going to have questions; but, in our judgment, it is a better answer than the allocation boards and certainly a better answer than the fixed millage statewide. What we have come up with means a springing of the 15 mill limitation in most places by a little.

The proposal that we have before you for your action would let each of the 3 units—not taking the schools or the townships countywide but each by itself—have the highest millage that it has had in the 5 years of '57 through '61. The county, of course, would be countywide; whatever year of those 5 that had the most millage would be its fixed millage hereafter. Each school district would have the highest that it had in those 5 years and the township the same. Because of the fact that the townships were denied any millage very frequently, especially until the recent change in the law, we have put a minimum in of 1 mill for the townships. If they had more than that, that would still continue.

Now, that will add up in most counties to something more than 15 mills, because the high that each unit had would not occur always in the same year, generally would not occur in the same year, probably could not occur in the same year. Some years the county would be high, and other years some township might be high, and another year the schools would be high. So that when you add those figures together you may get 16 mills, you may get 16½—generally not any more than that—but in a few instances as high as 18 mills. So it is springing the 15 mills to some extent.

Generally speaking, it is not increasing the dollar amounts because, in most places and in recent years, the need for the funds has been such that there has been voted millage on top of the allocated 15 millage. I think I gave here, or at least I gave in the committee, the fact that the voted millage for schools, last year, I believe, was the time I quoted, exceeded the unvoted millage. In other words, they raised more money, taking the whole state together, by millage that they voted than by millage allotted to them under the 15 mills.

Now, before Dean Doty jumps up and starts making a speech, I will admit that that included capital outlay millage, not just operation. There will be some opposition to the increase but, generally, it doesn't mean an increase in dollars.

It is rigid. We thought and considered for some time the possibility of a periodic review, maybe every 5 years, but the machinery for that seemed to be as difficult to assemble satisfactorily as the allocation boards had been, and our conclusion was that the voted millage would furnish sufficient leeway. Any unit finding that its allotted millage, fixed millage, is insufficient has the power, as it always has had, to vote additional millage either for operating or for capital outlay, outside of cities and villages, up to a total of 50 mills, the same limitation that we have had in the past.

Cities and villages or other charter units, where their millage is fixed by their own charters, would not have that limitation, as I understand the interpretation of the law is that they do not have that limitation at the present time.

Well, so much for that. We have had some adverse mail. We have had quite a lot that is favorable. Most of the unfavorable response has been from people who did not understand what we were trying to do, much of it on the basis that we were saying the average, the average millage of the last 5 years, which is not the case; we are suggesting the high millage.

Now, there is a difference that you will find down in the body of the proposal as to who may vote on increasing millage, and there we have a conflict with a proposal that has come out of the committee on rights, suffrage and elections. This matter of who may vote on increased millage is covered in 2 different places in the constitution. We did not care to quarrel with the committee on rights, suffrage and elections about what they put out, but what we put out is inconsistent with it and somewhere along the line either in style and drafting—I think overcoming inconsistencies is one of their functions—somewhere that difference will need to be reconciled. The proposal that came out of rights, suffrage and elections says that to vote on any increased millage the voter must have the same qualifications as on voting on bond issues. In other words, he must appear on the tax roll or be the husband or the wife of one who appears on the tax roll.

We have gone to the same extent in this proposal as to capital outlay millage, which is likely to be long term millage, but we have not gone to that extent on operating millage, which is likely to be short term millage. The basis for the difference is the thinking that a renter while he pays is actually paying taxes in his rent but, when you come to the long term proposition—generally, a 20 year proposal—there may be many successive renters in that same property in that period of time, so that we thought there should be a distinction.

At the very end of the proposal—and we are talking about the proposal as it was handed to you this morning—we have tried to meet a problem that has been a serious one with the school people ever since the 15 mill limitation was adopted. That is the problem of school districts overlapping into 2 or more counties. As you probably understand, at the present time those school districts have been held down to a millage that they could get in the low county.

We have proposed here that when that occurs the millage may be collected throughout the district which the district had available to it in the county in which lay the larger part of its area. Now we will use there, so that everybody understands it, the outstanding illustration, I think, that we had in the committee: the Scottville school district up in Mason county, which overlaps into Lake county and Oceana county. There was available in Mason county 9 mills for schools. There was available in Oceana county 8.8 mills for schools. But in Lake county there was only available 6 mills for schools, because that is a poor county financially in its assets, taxable property, and the county takes so much that 6 was all that the schools could get. Well, that meant that throughout that entire district—most of this was outside of Lake county—they could levy for school operating only 6 mills, and every year they had to vote the 3 extra mills by popular vote. The voters went with them, but sometime the voters might refuse and then the school district would be in a very serious situation.

There are 60 counties, 60 counties in which there are these overlapping districts and some of them have 3 or 4 or 5 all in the same county. We asked the department of public instruction if they had any solution. The only solution they suggested—and they were very hesitant about it, they didn't come over here and lobby, they waited until we asked them—was a straight millage all over the state, and that we think is entirely unworkable.

We believe we have here a reasonable answer, although it means an increase in the limitation for parts of those districts. We think it is the only reasonable answer that we

can find and that the problem is so acute that we must have in this constitution an answer if we are going to have a millage limitation altogether.

Now, I think that gives you the general outline of what we propose. We know it is dynamite. We hope the debate won't run any more than 10 hours.

CHAIRMAN BENTLEY: The Chair would inquire of the committee chairman whether he requests unanimous consent to withdraw the original committee proposal and offer the substitute at this time.

MR. BRAKE: I forgot that, Mr. Chairman. I would like that consent.

CHAIRMAN BENTLEY: Without objection, it will be so ordered, and the pending business before the committee will be the substitute for Committee Proposal 56 offered by Mr. Brake on behalf of the committee on finance and taxation.

Following is the substitute for Committee Proposal 56 as offered:

A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation.

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

Sec. a. [The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.] EACH COUNTY, TOWNSHIP, SCHOOL DISTRICT OR OTHER TAXING AUTHORITY OF THE STATE SHALL HAVE POWER TO LEVY THE HIGHEST UNVOTED TAX RATE ON PROPERTY, BASED ON THE STATE EQUALIZED VALUATION THEREOF, BUT IN THE CASE OF TOWNSHIPS NOT LESS THAN 1 MILL, ALLOCATED TO IT BETWEEN JANUARY 1, 1957, AND DECEMBER 31, 1961; BUT SHALL LEVY NO GENERAL AD VALOREM PROPERTY TAX IN EXCESS THEREOF, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

THE LEGISLATURE SHALL PROVIDE BY LAW A METHOD OF ESTABLISHING MAXIMUM UNVOTED TAX RATE LIMITATIONS FOR SCHOOL DISTRICTS AND TOWNSHIPS COMING INTO EXISTENCE AFTER JANUARY 1, 1962.

WHERE THIS LIMITATION APPLIES IT MAY BE INCREASED FOR NOT MORE THAN 20 YEARS FOR TAXES TO BE USED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS OR FOR THE PURPOSE OF CAPITAL OUTLAY BY A MAJORITY VOTE OF THE ELECTORS OF THE TAXING DISTRICT WHO ARE QUALIFIED TO VOTE ON THE QUESTION OF ISSUING BONDS, VOTING THEREON AT ANY ELECTION. FOR ANY OTHER PURPOSE THE LIMITATION, WHERE IT APPLIES, MAY BE INCREASED FOR NOT MORE THAN 20 YEARS BY A MAJORITY VOTE OF THE ELECTORS OF THE TAXING DISTRICT VOTING THEREON AT ANY ELECTION. THIS LIMITATION SHALL NOT APPLY TO ANY CITY, VILLAGE, CHARTER TOWNSHIP OR OTHER CHARTER TAXING AUTHORITY TO WHICH A TAX RATE LIMITATION APPLIES PURSUANT TO ITS CHARTER.

THE AGGREGATE OF THE VOTED INCREASES IN GENERAL AD VALOREM PROPERTY TAXES LEVIED BY EVERY TAXING AUTHORITY SHALL NOT EX-

CEED 3.5 PER CENT ON STATE EQUALIZED VALUATION.

THIS LIMITATION SHALL NOT APPLY TO TAXES LEVIED FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON OBLIGATIONS INCURRED PRIOR TO DECEMBER 8, 1932, WHICH SUMS SHALL BE SEPARATELY ASSESSED IN ALL CASES.

ALL INCREASES HERETOFORE VOTED OR PROVIDED PURSUANT TO SECTION 21 OF ARTICLE X OF THE CONSTITUTION OF 1908 SHALL STAND AS INCREASES HEREUNDER, AND AS SUCH SHALL REMAIN IN EFFECT UNTIL THEY EXPIRE OR ARE REPEALED. THE TAXING POWER PLEDGED FOR THE PAYMENT OF ANY BONDS HERETOFORE ISSUED SHALL REMAIN UNIMPAIRED.

IN ANY SCHOOL DISTRICT WHICH EXTENDS INTO 2 OR MORE COUNTIES, THERE MAY BE LEVIED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT PROPERTY TAXES AT THE HIGHEST RATE AVAILABLE IN THE YEARS 1957 THROUGH 1961 IN THE COUNTY WHICH CONTAINS THE GREATEST PART OF THE AREA OF THE DISTRICT.

The Chair recognizes the gentleman from Port Huron, Mr. Staiger.

MR. STAIGER: I would like to just back up for a minute and go through the process that our committee went through on this. One, we first had the question if a tax limitation at all on property or a millage limitation was desirable. We first determined, and I believe it was unanimous—we will have somebody standing up if it wasn't; but my recollection was that we did decide unanimously that a property tax limitation of some type was desirable, the reason being for this, I think, that basically a property tax is not the most equitable type of tax, as we all realize. In the long run, we doubt that a limitation is desirable so that a means of taxation other than property will be used.

Once we determined that, then the next question we got to was: what is the best way to handle limitations? Now, the present 15 mill puts a limitation on 3 units of government—all within the same limitation. That is, townships, counties and school districts. The problem then is how do you allocate between those 3.

We looked at the history of home rule cities where they had a separate limitation for their single unit of government. By statute a home rule city can pass a charter giving a property limitation up to 20 mills. Charters vary all the way from 20 on down to 10 mills for cities; but, by having one limitation on each unit of government, you get away, first, from the problem of how you are going to divide the overall limitation of millage. The second question that you do get away from, at least within the county, is the question of variable millage where one unit where they overlap needs more millage, and then this means that across the board the other units have to suffer. For instance, in a county if one township were to ask for 1 mill and the other townships didn't want it, there has to be some "give" there to stay within the 15 mills for the other units of government. This can mean that the county all the way across the board is only able to levy 1 less mill—or the school districts that are in the township are only able to levy 1 less mill just because one township wants it.

Now, we approached this thinking that it would be more reasonable, if we were going to have a limitation—which we felt was desirable—to put it on each single unit of government.

Going from there, as Mr. Brake said, we looked first to see if we could put a certain millage on counties across the board, another one on townships, and another one on schools. This wasn't possible, as he said, because some counties now need, apparently, from their allocation boards up to 10 mills;

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

others are way down in the 3 point some odd per cent. millage. There is a wide variance of need.

We decided that the reasonable thing to do was to capitalize on the experience of the allocation boards that has been hammered out over the years, take what they had decided in their local areas was the millage that was needed for these units, give them the high of the last 5 years for each unit and say, "This is your millage for each unit."

From there on each unit—the school district will know what its unvoted millage limitation is, the township will know, the county will know, and the issue will be strictly or directly with the people in that area. They will realize that they have this unvoted millage; if they need more, then they will have to go to the people for it. They can increase their millage by a vote of the people.

Now again, this is not a mandate to spend, so to speak, the total millage. Certainly if the needs of a county decrease, this does not mean that they have to spend the total millage that is being given to them. Certainly, under our elected representative process, the millage that is levied would and should be cut down.

One other problem that comes up indirectly is that some units—for instance, in many areas it is the schools—when the schools are given a certain millage, they then go to the—if this is not sufficient, they are forced to go for voted millage to the people. They have this millage voted then only to find next year that they have lost part of it in the allocation back to the counties or the townships.

This will place each unit of government squarely representing its people in its area with responsibility for the taxes to be levied within that unit.

Now, it is quite a change, as you can see, and is going to cause some adjustment. It is going to go above the 15 mills in some areas.

This would depend on if there has been any variation in the last—or in this 5 year period of the millage in your area. If the allocation board has been stable during that period, then you will be at the 15 mills, except if the township doesn't get 1, hadn't been getting 1, it may go up to 16 mills.

The best information we can get on this is the highest that there will be would be 18 or slightly under 18 mills given a certain combination of township, school district, and county that a person lives in. Most of them, from the information we have been able to gather, will be considerably below that and, as I say, only the 15 mills in most areas.

CHAIRMAN BENTLEY: I think in compliance with the suggestion of the committee chairman, the secretary will read the substitute proposal by paragraphs and the amendments will be accepted in that order. If an amendment should cover more than one paragraph, the Chair suggests that that amendment be offered at the time when the entire proposal has been read by paragraphs and the request is made if there are amendments to the body of the proposal.

The secretary will read the first paragraph covering lines 16 through 22 on page 1.

SECRETARY CHASE: Section a.

[Paragraph 1 of the substitute was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: For what purpose does the gentleman from Fennville arise?

MR. HUTCHINSON: Mr. Chairman, I arise in order to ask Mr. Staiger, if he is the one who is handling the proposition on the floor, a question. I would then like to state the question, Mr. Chairman. With reference to this phrase "unvoted tax rate"—unvoted taxes—we are mindful of the fact that in recent years school districts have been able to bond and if the bonds are for more than 25 years and so on they don't need to increase the 15 mill limitation in order to provide the millage with which to meet the bonds. So here is some extra unvoted millage. Does this unvoted millage enter into the picture? It is unvoted millage.

CHAIRMAN BENTLEY: The gentleman has yielded.

MR. STAIGER: I am not sure that I have your question

correctly. Is it unvoted millage that has not been allocated to them by the allocation board?

MR. HUTCHINSON: No, it hasn't but—under the provisions of the present constitution and the law—the school district has gone to its property taxpayers and voters and asked them to bond the district, and they voted to bond the district and they issued the bonds for more than 25 year maturity, and, under the present constitution, it is not necessary for that school district to go to the people and ask them to increase the 15 mill limitation. The school district has the power, the school board has the power to levy whatever mills are necessary in order to pay off the bonds as they mature and the interest and so on. This is completely outside the 15 mills. It is unvoted millage. Admittedly, it isn't allocated, but the wording of the proposal here doesn't indicate that it has to be allocated to them by the allocation board. It is unvoted millage.

I raise the question seeking clarification, trying to point out a problem here where, perhaps, the committee of the whole may have to refine this language.

MR. STAIGER: Mr. Van Dusen will answer that one.

CHAIRMAN BENTLEY: Does the gentleman from Fennville yield to the gentleman from Birmingham?

MR. HUTCHINSON: I yield; I do, indeed.

MR. VANDUSEN: Mr. Chairman and Mr. Hutchinson, the 2 key words are "unvoted" and "allocated", because this is not intended to refer in any sense to the unlimited taxing power which school districts have in support of bonds under the provisions of sections 28 and 27 of the present article X, which we have continued by previous action of this committee in this convention. This limitation refers only to unvoted millage allocated to the taxing authority during the 5 year period in question.

I think it is reasonably clear, Mr. Hutchinson, when you take it all of a piece. This language as contained in the substitute committee proposal has been reviewed by the attorney general's office and by bond counsel, and they pronounce it reasonably free from ambiguity.

MR. HUTCHINSON: Mr. Chairman, I would say that it would be even more reasonably free of ambiguity, then, if we made reference to the allocation in the amount of 15 mills.

I don't offer such an amendment to that effect at this time. I think, though, that if what is clearly intended is that you are talking about the unvoted millage allocated out of the 15 mill total, then that is what we should say.

MR. VANDUSEN: Mr. Chairman, that is what is intended and, in view of the fact that the distinguished Senator Hutchinson sits on the committee on style and drafting, I think we can leave it to him to take care of it at the appropriate time.

CHAIRMAN BENTLEY: The secretary will report the first amendment to this paragraph.

SECRETARY CHASE: Messrs. Turner, Howes, Dean Doty, Davis and Haskill offer the following amendment to this section:

1. Amend lines 6 through 16 by reinserting the stricken language which reads:

"The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932."

MR. VANDUSEN: A point of order, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will state his point of order.

MR. VANDUSEN: I thought, Mr. Chairman, we had generally agreed that an amendment which was going to completely replace the committee proposal would be acted upon

last. The amendment which the secretary just read would be a complete substitute for the committee proposal, and I would just like to suggest, if the sponsors of the amendment would have no objection, that we go through the committee proposal and perfect it first before considering the reinstatement of the present constitutional language.

CHAIRMAN BENTLEY: Is the pending amendment intended to strike out all of the committee proposal thereafter?

SECRETARY CHASE: The secretary, I beg your pardon, failed to read the amendment in its entirety. It is as follows:

1. Amend page 1, after "Sec. a.", by striking out the balance of the page and on page 2 by striking out lines 1 through 25, and inserting:

"The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932."; and on page 2, line 28, after "available" by striking out "in the years 1957 through 1961".

CHAIRMAN BENTLEY: I think the point of order is well taken, and if the sponsors have no objection we will proceed with the proposal on a paragraph by paragraph basis and then the Turner amendment will be accepted when amendments are in order to the body of the proposal.

Are there any amendments to the first paragraph of the substitute for the committee proposal? If not, the secretary will read paragraph 2, which is lines 1 through 3 on page 2.

SECRETARY CHASE: Page 2, line 1:

[Paragraph 2 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: Are there any amendments to paragraph 2 of the substitute for the committee proposal? If not, the secretary will read paragraph 3, lines 4 through 14 on page 2.

SECRETARY CHASE: Line 4:

[Paragraph 3 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Ann Arbor, Mr. Pollock.

MR. POLLOCK: Mr. Chairman and members of the committee, as the chairman, Mr. Brake, indicated, the committee on rights, suffrage and elections gave careful consideration to the question of voting in elections involved here. We have come up with a definitive recommendation including a change. It is a divided committee and there is a minority report on it. I think it would waste the time of the committee to discuss this matter here. I don't know what the proper parliamentary procedure is, but I suggest that the language here accord with the language which we later decide upon when our proposal is before the committee. It would seem to me that that could be done, and we will then be debating an election matter within the frame of reference of elections rather than finance.

CHAIRMAN BENTLEY: The Chair will have to advise the gentleman from Ann Arbor that the only issue before the committee of the whole is the language which the secretary has just read and would suggest that the committee of the whole act on this language, and then if the proposal is referred to style and drafting together with another proposal containing dissimilar language that that committee is the proper one to resolve the discrepancy.

Mr. Brake.

MR. BRAKE: Well, Mr. Chairman, I agree certainly with Dr. Pollock that these 2 must harmonize, and I am not at all fussy about which time we do it. We can pass this if it is

agreeable to the delegates of the convention with the understanding that the final determination will be made when Dr. Pollock's proposal comes before us, and if it is different than we have we will make the amendment on second reading or whenever it is convenient to do so.

MR. POLLOCK: That is agreeable to me, Mr. Chairman.

CHAIRMAN BENTLEY: If there are no amendments to the third paragraph of the committee substitute proposal, the secretary will read paragraph 4, lines 15 through 17 on page 2.

SECRETARY CHASE: Page 2, line 15:

[Paragraph 4 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: Is the gentleman from Birmingham seeking recognition?

MR. VAN DUSEN: Only for the purpose of a brief explanation, Mr. Chairman. I think it perhaps ought to be made clear that, of course, the present 15 mill limit is broken down into two parts: there is a total of 50 mills, of which 15 is unvoted and 35 is voted, and this simply continues that 35 mill voted limit increase.

CHAIRMAN BENTLEY: If there are no amendments to the fourth paragraph of the committee proposal, the secretary will read the fifth paragraph, lines 18 through 20 on page 2.

SECRETARY CHASE: Line 18:

[Paragraph 5 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: The gentleman from Birmingham.

MR. VAN DUSEN: Perhaps a brief explanation is also in order here, Mr. Chairman. This simply is designed to preserve the taxing power which is devoted to some very old bond issues of which there are still a few outstanding which will not mature until 1965.

CHAIRMAN BENTLEY: If there are no amendments to the fifth paragraph of the committee proposal, the secretary will read the sixth paragraph, lines 21 through 25 on page 2.

SECRETARY CHASE: Line 21:

[Paragraph 6 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: The gentleman from Birmingham.

MR. VAN DUSEN: Here again, Mr. Chairman, a brief explanation. This is simply a saving provision just designed to protect all currently voted increases in effect in support of bond issues or otherwise.

CHAIRMAN BENTLEY: If there are no amendments to the sixth paragraph of the committee proposal, the secretary will read the seventh paragraph, line 26 on page 2, through line 2 on page 3.

SECRETARY CHASE: Line 26:

[Paragraph 7 was read by the secretary. For text, see above, page 915.]

CHAIRMAN BENTLEY: If there are no amendments to the seventh paragraph of the committee proposal, are there any amendments to the body of the proposal? The secretary will read the pending amendment offered by the gentleman from Saginaw and others.

SECRETARY CHASE: Mr. Turner and others offer the following amendment:

[The amendment was again read by the secretary. For text, see above, page 916.]

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Saginaw, Mr. Turner, in support of his amendment.

MR. TURNER: Mr. Chairman, I wish to speak in favor of this amendment.

The committee proposal does not make sense to me. First,

it gives 1 mill to townships whether they need it or not. It awards those areas that just happen to raise their millage for some reason in the last 5 years and penalizes those in areas that have tried to hold their millage at a lower figure.

In Committee Proposal 56 we find that the judgments of the allocation boards of this state have been used to set the future base of the local units of government, but the only purpose of this proposal I can find is to do away with these same adjusters of local tax problems.

I find that there are 19 counties that levy over 7 mills, some are at 10 mills and, also, I find that some of these counties have not been equalized by the state tax commission in the last 10 or 12 years. I find that 4 have not been visited for 16 years. I cannot find anyone that can prove to me that we are not opening the gates to higher taxes on these properties.

We speak of limitations in the constitution. I believe in some limitation. I wouldn't want to drive my car if it had no limiting device incorporated in it. The 15 mill limitation does not prohibit but it does bring the question of a millage increase directly before the people. Believe me, I didn't come down here with the idea of increasing property taxes. I urge you to retain the 15 mill limitation.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Onondaga, Mr. Davis.

MR. DAVIS: Mr. Chairman, members of the committee, I, too, wish to support this amendment. I might say that this general area is one in which our committee on finance and taxation has given considerable thought and time. This is one of these decisions, I think, which, like most committees have experienced, was very close. I cannot recall now how many times we had to vote in order to secure 11 favorable votes upon this matter.

I would like to compliment Mr. Brake upon his very objective talk relative to this matter as he presented the majority report from the committee.

I would like to add just a word to what Mr. Turner has said, in this respect, that I think that concern over the high level of property taxes in this state is both genuine and justifiable.

Now, I am not going to attempt to discuss the effectiveness or the ineffectiveness of the 15 mill limitation amendment, because I think that the 15 mill limitation amendment as such is well understood by the delegates within that committee.

I recognize that to those people particularly living in cities this is perhaps a relatively unimportant matter.

I might suggest that at one time in the deliberations during the formative period of our proposal which came out of this taxation committee, I made the suggestion that I was willing to remove the 15 mill limitation amendment if we were going in the direction of removing some of the restrictions from our present article X and to open this matter up, and I did so not without some pain, not because I think the 15 mill limitation is particularly good. The fact is, I don't think it really in some instances amounts to too much, and I don't have to read that out of books, I can look at my tax receipts, and that does it—however, I point out the fact that this particular substitute of the majority committee proposal is not headed in this direction. This retains a more rigid restriction than we have in our present constitution.

I am going to be brief here, but I am going to suggest a few reasons as to why I believe it preferable to return, as long as we are going in this direction, to the 15 mill limitation amendment. In the first place, the 15 mill limitation amendment is more flexible. It does allow by the use of the allocation board for adjustment at a local level. I recognize that in many instances there are arguments on allocation boards and that sometimes that is phrasing it too mildly; nevertheless, in my judgment, the work of the allocation board is not entirely bad.

I talked the other day with some of the people across the street over here, who are particularly knowledgeable in this matter and are familiar with it, and they said that while they recognized there were areas of opposition, in their judgment the allocation boards as such in the state of Michigan had been functioning in a very good manner generally speaking.

The third point which I would make is this. The people did vote for the 15 mill limitation amendment. The 15 mill limitation amendment is psychologically meaningful to many people in this state, and its removal will be viewed with concern by many.

I suggest that the amendment does provide for one of the problems for which we were seeking a solution in the committee by adding to the 15 mill limitation amendment the paragraph at the end which does provide for the problems which these fractional school districts have had in our state.

But this point is one in this connection which I consider quite important. The 15 mill limitation amendment is understood.

Questions have been raised relative to this committee report. They have been legitimate questions, and I am not going into all of these, but it would be less than truthful to say that we have been engaged in some problems in finding answers to some of these; and so, in conclusion, I am going to say this, that when we weigh the balances, weigh this matter in the balances, in my judgment it is preferable to return to the 15 mill limitation amendment and keep it in our constitution than to go to this substitute which is offered in the majority committee report.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Petoskey, Mr. Spitler.

MR. SPITLER: I wanted to ask if this amendment was simply returning to the old provision that was in the old constitution. I believe that has been answered that it does return to the old one; is that right, Mr. Davis?

CHAIRMAN BENTLEY: The gentleman yields the floor to the gentleman from Onondaga.

MR. DAVIS: Mr. Chairman and Delegate Spitler, this does replace the 15 mill limitation amendment which is in our present constitution, as written now, with the addition of the paragraph at the end of the majority report which provides for this exception in the case of fractional school districts, and that particular wording, I think, is quite self explanatory and it is in the majority committee report.

MR. SPITLER: Well, then, I would like to support to a large extent what Mr. Davis has said here. I am in sympathy with what the taxation and finance committee has attempted to do. I know some of the problems that are involved as far as an allocation board is concerned, perhaps as much as anyone in this delegation here. I have dealt with allocation boards from the time they were formed until about 3 years ago, and I have sympathy for the members who have served on these allocation boards. They have a real problem and it has created a problem within all of our communities. It has set county against school district, school district against county, and feelings have been very, very tense at times. Anything that could do away with the county allocation boards and could solve the question—I would be very much in favor of it.

I certainly want to approve what the committee has done here in its effort to do away with them; however, I think there are some limitations, and I think Mr. Brake has indicated those in the explanation of it at the beginning of the presentation.

We have counties that have received as low as 3 mills. We have counties that have received as high as 10 mills. We have schools that have received as low as 3 mills. We have had school districts that have received as high as 11 plus millage. The unfortunate part of that is that those school districts that have been receiving the high millage are the wealthy school districts. If they are in a county where the valuation is high, then the county needs to levy a small millage in order to take care of the county expenses and, as a result, that school district may get a high millage.

But in the counties—and we have many of them in the northern part of the state and in the upper peninsula—and I would say to you people who are from the upper peninsula that you had better consider this very carefully, where you have those mines that may not be operating—in the northern part of the state where we have counties of low valuation, it has been necessary for the county—at least, they have thought

so — to spend a large millage, and, as a result, the school districts had a very small millage.

We had this problem on the allocation boards, as Mr. Brake has indicated. There are some county allocation boards that are county minded. There are some county allocation boards that are school minded, and the amount of millage that they have been allocated over the last 4 or 5 years doesn't in many cases indicate the need of either the school district or the county, and we are freezing the school district at 3 mills or the county at 3 mills if that was the top millage that they had during the last 5 years. If the top millage that a school had was 11 mills and a county was 10 mills, we are freezing them at that 10 or 11 mills. You say they can vote extra millage. They can, but if that is done then you are exceeding the 15 mills by that much more.

There are other things that enter into this. Two or 3 school districts combine, organize a new school district. How is that to be covered? Also, if a school district annexes a township or a section of the county, if they have different millages, how are they to be covered? Not in different counties.

Then, there is still another where a large industry moves into a township or a county or a school district, or a large industry that has been operating within a school district or a township moves out and the valuation changes by millions of dollars in just a few days.

I would have to oppose this amendment because I feel that there are too many complications in it. I wish that I could go along with it, because it does remove the allocation board which presents a problem, but I am afraid that in removing that problem we are entering into so many more problems that we just cannot take care of them.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Copenish, Mr. Howes.

MR. HOWES: Mr. Chairman, fellow delegates, I have up to this point in this convention supported the proposals of our taxation and finance committee almost 100 per cent. I believe we have approved many sections that have been improved by this convention, which will more justly apply our tax laws and improve the financial situation and business climate of the state of Michigan, but this proposal to rigidly set the amount of millage which each department of government can use without a vote of the people, I cannot support.

In our committee hearings and from many other sources, we have been urged to give more flexibility in the management of funds than we have had before, and this we have tried to do. This proposal instead of giving us more flexibility would take all the flexibility which we have now from us at the county level by removing the allocation board and setting a rigid amount for the schools, counties and townships forever in our constitution.

I have served both as president of the school board and as chairman of the county board of supervisors, so that I hope and I believe I am looking at this proposal in fairness and without bias. I believe this proposal is supported by some county people and some school people who feel that they have not fared as they themselves felt that they should have at the hands of their local allocation board. I believe that in the great majority of cases the local county allocation boards have been fair and impartial in their work.

I see nothing in the 15 mill limitation which would prohibit the legislature from dividing the 15 mills among the units of government and abolishing the allocation board at any time that it deemed wise, and I say the authority to do this should be left with the legislature and not be frozen for all time in our constitution. The only thing which has been done here which the legislature could not have already done if it deemed wise is to change the section so that it can no longer be called the 15 mill limitation.

It has been said that the delegates here might far better be color blind than not to be able to tell a good law from a bad one, and I urge you now to take a good, long look at the color of this one before you help to write this complicated strait jacket into our constitution in place of our 15 mill limitation with its flexibility of funds governed by the county allocation boards.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Ledge, Mr. Doty.

MR. DEAN DOTY: Mr. Chairman, we have been moving along at a comparatively rapid rate here and I would like to see it continue. My chairman wants to finish this section tonight and I am anxious to help him do it.

I just want to read briefly here the law as it applies to allocation boards:

Each local unit as defined in this act shall prepare each year a budget containing an itemized statement of its proposed expenditures and estimated revenues covering all its departments and activities. Such budget shall cover that fiscal year for the local unit the expenditures in which year are to be met wholly or partly from the next tax levy. Items of proposed capital outlay, items for the payment of interest and principal on obligations incurred — and it goes on with the requirements of the allocation board in explanation of their budget. Then it goes on with the duties in the allocation of the millage:

If the board shall find that the total of all such taxes which would be required to be levied on property located within the area of any local unit exceeds the net limitation, it shall proceed accordingly.

Now I jump a portion of this and it says:

The board shall divide the balance of the net limitation tax rate between all the local units after due consideration of the needs of the several local units and the importance to the public of functions of local units which might have to be curtailed.

Now in conjunction with this, I would like to point out in my own county that this has been the case. The county has gone from 5¾ up to 6¼ and back to 5.6, 5.8, and down to 5¼. There has been a definite trend here to work according to the budgets submitted to the allocation board.

I am very much concerned about the allocation boards' duty to review these budgets, and we propose later for a public hearing on these budgets. I am very much in favor of it. It will be coming up next. But I still feel we need this allocation board to study them and study them carefully.

Now, with all due respect to our chairman, who referred to the importance of earmarked funds and what they meant to the people, I repeat that the 15 mills means something to the people. With due respect to all the members of our committee who have been looking for flexibility, I repeat: there is flexibility with an allocation board that will not exist when these figures are frozen into the constitution. I think that the efforts of the committee have been well meant. I recognize what they are trying to accomplish, but I am afraid that the problems we will run into will be greater than the problems that we had with the 15 mill limitation and the allocation boards.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Romeo, Mr. Rush.

MR. RUSH: Mr. Chairman and ladies and gentlemen of the committee, I was away the day that this vote came up in committee and I was very much pleased at the decision the committee made. I felt that we had made a step to do something really constructive. I think it is a step in the right direction.

I have talked to many people in my home district. I have served on county boards of education, the local board of education, and I am now on the welfare board; so I should probably be inclined to view this as fairly as anyone, because I can see both sides of it, the county's needs and the school's needs.

I would like to say this for my friend, Carl Spitler, who is concerned about what may happen to the schools. I have seen this happen where schools have gone to the people for extra millage only to find that next year the allocation board would give away part of that millage to the other units of government. I think this is a protection for the schools. I think it is a step in the right direction.

Now, in regards to the new districts that somebody mentioned, that is treated in the first paragraph at the top of page 2. It provides for the legislature to take care of a newly formed district; so that the rigidity that they speak of is not going to

treat any new district unfairly. Frankly, I think this is a step in the right direction.

Also, I would like to say that I have the figures from our county and the increase is only a fraction over the 15 mills. The highest millage, taking the 5 year highs for the 3 units of government, would only come to 15.48 mills.

I know in some areas it would come a little larger than that, but I think we can afford to give a little bit on the 15 mills in order to accomplish what this does.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Rapids, Mr. Martin.

MR. MARTIN: Mr. Chairman, I talked about this kind of a solution to the problems which we have had with friction between the various units of government in Kent county over the activities of the allocation board. I talked to various people who were involved in some of that friction during the campaign, and it was my impression that this type of solution that is proposed here would be most welcome to those various units and that it provides them a flexibility which they do not have at the present time, and particularly would relieve the situation involved in the constant squabble and struggle over who gets what portion of this 15 mills.

It seems to me the committee has done an admirable job of working out a better solution than the one we have now and that this is a good provision, one that is well worth putting into the constitution in place of the old provision which is proposed to be reinstated by Mr. Turner's amendment. I therefore would support the committee's position.

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

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I had hoped that we could finish all of the finance committee's proposals tonight, but I find we have conflicts—something else has been set—so I move the committee rise.

CHAIRMAN BENTLEY: The question is on the motion that the committee shall rise. Those in favor will say aye. Those opposed?

The committee rises.

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

PRESIDENT NISBET: Mr. Bentley.

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

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 52**, A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution. It reports this proposal back to the convention with an amendment thereto, recommending the amendment be agreed to and the proposal, as thus amended, do pass.

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

1. Amend page 1, line 8, after "state" by striking out "tax commission"; and in line 12, after "state" by striking out "tax commission".]

PRESIDENT NISBET: The question is on agreeing to the amendment as proposed by the committee. Those in favor will say aye. Opposed, no.

The amendment is agreed to.

Committee Proposal 52, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 52 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 may provide by law for the assessment by the state of the property whose ad valorem taxes are reserved to state aid for public education by section 1 of this article X, and of such other property as the legislature may designate, and for the levy 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, and the rate of taxation on such property shall be the average rate levied upon other property under the general ad valorem tax law, or, if the legislature shall so provide, the rate of tax applicable to the property of each business enterprise so taxed shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of said property is situated.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 53**, A proposal to require that every tax law shall distinctly describe the tax, covering article X, section 6 of the present constitution; **Committee Proposal 54**, A proposal that the power of taxation shall never be surrendered, suspended, or contracted away, covering the material in article X, section 9 of the present constitution; and **Committee Proposal 55**, A proposal to include article X, section 19 of the 1908 constitution in the new constitution. It reports these 3 proposals back to the convention without amendment and with the recommendation that they do pass.

PRESIDENT NISBET: **Committee Proposals 53, 54 and 55** are referred to the committee on style and drafting.

For Committee Proposal 53 as referred to the committee on style and drafting, see above, page 911.

For Committee Proposal 54 as referred to the committee on style and drafting, see above, page 912.

For Committee Proposal 55 as referred to the committee on style and drafting, see above, page 912.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 56**, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: The committee on executive branch will meet in room C, tomorrow at 1:00 o'clock p.m. John Martin, chairman.

The committee on rules and resolutions will meet in room I, tomorrow at 8:30 a.m. Richard Van Dusen, chairman.

Mr. Norris requests excuse from tomorrow morning's session, and Mr. McAllister requests leave of absence from the session of next Monday.

PRESIDENT NISBET: Without objection they will be excused.

SECRETARY CHASE: That is all of the items on the secretary's desk, Mr. President.

PRESIDENT NISBET: The Chair recognizes Mr. Heideman.

MR. HEIDEMAN: Mr. President, I move that we adjourn.

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

We are adjourned until 9:30 tomorrow morning.

[Whereupon, at 5:45 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Friday, February 9, 1962.]

SEVENTY-SIXTH DAY

Friday, February 9, 1962, 9:30 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our invocation this morning will be given by the Reverend Charles E. Jacobs, of the Epworth Methodist Church, of Saginaw. Will you please rise.

REVEREND JACOBS: Let us pray. Eternal God, our heavenly Father, Thou who are the supreme ruler of us all. At the beginning of this day, we humbly bow in Thy presence. Because of Thee, far reaching values and consequences are the product of this day. We are conscious of our need of Thy help. Thou art the God of righteousness and of justice. Thou art full of wisdom and we, being human, have limitations. May righteousness and justice prevail. Endow the members of this convention with right understanding and noble purpose. Enable them in all of their deliberations today to rise above all self seeking and party zeal into the larger sentiments of public good and of human brotherhood. Because of the great possibilities both for good and for evil in this our day, we recognize the need of wisdom in this hour.

We appreciate so much the beauties of our great state and that which we share together that makes for so much of good and we desire its preservation. So grant to this body, we pray, wisdom in laying the foundations for a future that will be happy and productive of all human good. So endow each one with particular wisdom and with a sense of brotherhood that they need today. May Thy blessing rest upon this august body, in the name of Jesus Christ our Lord and Savior, we ask it. Amen.

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

SECRETARY CHASE: Has everyone voted?

PRESIDENT NISBET: I'm glad to see the lights go on more rapidly. Please vote if you are here.

SECRETARY CHASE: The machine is locked, and the attendance will be recorded.

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

Absent with leave: Messrs. Anspach, Barthwell, Bledsoe, Faxon, Habermehl, Leibbrand, Norris and Stamm.

Absent without leave: Mr. Marshall and Mr. Wilkowski.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, Mr. Norris entered the chamber and took his seat.]

Reports of standing committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: There are no communications.

PRESIDENT NISBET: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders.

SECRETARY CHASE: None.

PRESIDENT NISBET: General orders of the day. The Chair recognizes Mr. Bentley.

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

PRESIDENT NISBET: The question is on the motion of Mr. Bentley. All in favor say aye. Those opposed?

The motion prevails. Mr. Bentley.

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

CHAIRMAN BENTLEY: The committee will be in order.

SECRETARY CHASE: The committee of the whole last evening had under consideration **Committee Proposal 56, A** proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation.

An amendment to the proposal had been offered by Mr. Turner and others.

For last previous action by the committee of the whole on Committee Proposal 56, see above, page 915. For text of pending amendment, see above, page 916.

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

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, the 4 gentlemen from the committee who yesterday presented the amendment have laid down the issue very clearly: whether or not we wish to continue with the 15 mill limitation as we have had it, or whether we wish to try the new plan submitted by the majority of the committee.

Mr. Turner mentioned one thing that I think I must answer — the question of a township that gets the millage under the new plan if it doesn't need it. There are very few such townships. If they need nothing else, they need some money for their local roads. Some of them have been generously stepping aside in favor of the schools, even when they had a legitimate need for themselves. There may be some hereafter who have that same attitude, but the machinery is already there. While their declining to take their 1 mill would not give it to the schools, they have the statutory power to turn over township money from the contingent fund to schools. True, it takes a vote of the people, not just of the township board; but the machinery is already established.

When you come to look at the 15 mill limitation as we have had it, just about everything is wrong with it that you could have wrong. In the first place, it "ain't what it used to be." It doesn't mean what it was intended to be used for. One justice of the supreme court, in a rather recent decision, said that it had been chipped away until there was practically nothing left; and it has been primarily the supreme court that has been doing the chipping away.

When we wrote that into the constitution, we said 15 mills on assessed valuation. Now, those were not unknown words. We had used the term assessed valuation for generations. We thought we knew what they meant. But in the course of time the supreme court said, "You didn't know what you were talking about when you said assessed value. You didn't mean assessed value, you meant state equalized value." So just at one stroke the 15 mill limitation became about a 30 mill limitation. And so the process has been going on, with different units taking out from under it.

The committee on finance and taxation has leaned to the conservative side. We think that is the proper leaning for a committee on finance and taxation. On everything else that we have proposed to you we feel that we have been on pretty safe ground. In this instance, we have gone farther out into the experimental field than we have on any other proposal that

we have suggested. We think we have offered an improvement on the 15 mill limitation.

But the issue is perfectly clear for your decision. It's the 15 mill limitation, or it's something which admittedly will not be 100 per cent perfect, but in the judgment of the committee is better than what we have.

CHAIRMAN BENTLEY: The Chair wishes to announce that when the committee rose yesterday the following gentlemen were seeking recognition and, without objection, will be recognized in this order: the gentleman from Allegan, Mr. Farnsworth; the gentleman from Detroit, Mr. Yeager; the gentleman from Charlevoix, Mr. Shanahan; the gentleman from Traverse City, Mr. Sleder; the gentleman from Lapeer, Mr. Haskill; and the gentleman from Marshall, Mr. Hatch.

The Chair recognizes the gentleman from Allegan, Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, members of the committee. First, I have a stop watch in my hand I'm going to give to Bob Hodges. And time me, Bob, as I don't want to spend over 5 minutes. But I do have something to say about these 2 proposals that are before us now.

I would like to make it clear from the start that I'm speaking in favor of the amendment which is a substitute for the committee proposal. That of course is not an easy position to take, because it's always easier to go along with the committee recommendation, as all of you know.

But in this case I think we should quite clearly analyze what the 2 of them would do for us. So if you would just think with me for a moment. The committee certainly had a tough job. I was in their committee room at the time they were trying to make some of these decisions, and they were having a tough time even getting a vote so that they could come out on the floor with something. We all appreciate that.

Now, it seems to me they were objective. Their aim was, first, to have an effective limitation on millage, quite similar to what we had before, and they have accomplished that. And they were endeavoring to do that and at the same time dispense with the controversial tax allocation board.

Now, I think that the committee report, as against the amendment, accomplishes these 2 things. I have no argument at all with the very slight difference between the committee report's limitation and the former 15 mill limitation. The millage is so slight in so few areas that no one can take exception to that, and I certainly would agree with Mr. Brake that the thing is not very effective anyway.

Now, both reports — both the proposed amendment and the committee report — are a distinct improvement in the one regard, in clearing up this thing of fractional school districts going over to another county. That certainly is sound and workable, and makes good sense. It is included in both of these choices that are before us.

As I see it, then, we get down to this. The committee report, as it was mentioned yesterday, certainly freezes the millage allocation to the units of government. Mr. Brake has discussed this briefly with me, and he admits — and he doesn't like this feature of it, I know — but he simply said, I believe, "We just haven't found any way to subject this thing to review."

So, admittedly, it freezes the allocation to the highest that unit of government had in a base 5 year period. Now, I want to say to you folks this morning that that not only freezes that, but, brother, it deep freezes it! You couldn't have frozen it any more solid if you had buried it at the north pole. That's there for all time until you change it with a constitutional amendment.

Now, that being the objective — to do away with the allocation board, plus the limitation — I submit to you that the old language we had does a better job of it. And I say it for this reason. If you want to get away from the allocation board, the only thing you have to do, in my opinion, is to go to the legislature and say to them: now, look, we have an argument about this thing every year, which we don't like. So would you please pass a law for us that says we are going to take a 5 year base, and we are going to take the highest millage that we had in any one of those 5 years, and that will be it. But in

5 years from now we would like to come back and review it with an allocation board.

I think then, Mr. Brake, you might have the flexibility you would like to have. Use the same language you have, use the same limitation, but instead of going to your allocation board every year, say to them, we're going to have it every 5 years or every 10. But don't deep freeze. Just don't deep freeze that allocation to the particular units.

I would certainly have to support the old language, which is the amendment, because I think it is much more flexible by statute.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to address a question to Mr. Brake. Under the committee report — and I believe this is repetition — it provides that the millage is decided for each of the 3 units, and it is arrived at by taking the highest in a defined 5 year base period. And as a result, I believe you stated yesterday that the total millage for some areas could go to 18 mills. Would this additional 3 mills have anything to do with the 50 mill total limitation? In other words, would some areas be entitled to say 53 mills under this, because the proposal, the majority report, on page 2, lines 15 through 17, says, "The aggregate of the voted increases in general ad valorem property taxes levied by every taxing authority shall not exceed 3.5 per cent"?

MR. BRAKE: You're right, I think, Mr. Yeager. I think it would be possible, because it's 3.5 above the voted millage. However, that is not, as we view it, a serious thing. The places that are exceeding the 50 mills are cities, where their charter fixes that at 20 mills, for instance, and then they go on up from there. I wouldn't think there would be, frequently, a place where the 50 mills would be reached, outside of an incorporated city. And there are only a very few places, as I understand it, in the state, where it would go to the extent of 18 plus 3.5. Generally it would be 16 or 16¼, right along in there.

MR. YEAGER: Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Charlevoix, Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman, members of the committee, others before me have very eloquently expressed what I had in mind when I originally asked for recognition. I do favor the amendment.

Mr. Farnsworth has mentioned what I was going to mention about freezing the 15 mills in such a way that it would literally require a constitutional amendment to let any particular local unit change the allocation within the 15 mills, and it would not be uniform throughout the state at all.

I'm against it also because it does further fracture the 15 mill limitation. It is a little protection to the property owner, but this would further erode this particular bit of protection. And I cannot see a reason for shifting a local responsibility — I'm talking about the allocation board right now — to the constitution, simply because the allocation board has a difficult job. I don't believe that anybody is required to run for the office that eventually puts him on the allocation board. That is one of the things he does have to assume if he wants the office that he holds. So I will just conclude by saying that I very strongly favor the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Traverse City, Mr. Sleder.

MR. SLEDER: I would like to address my fellow delegates in opposition to the amendment. I feel we are missing one point in the amendment in reestablishing an allocation board. With the use of an allocation board dividing the 15 mills, we develop a contest between the board of supervisors and the school districts. And then we take 3 members off from each one of these teams and select 3 more at large to act as a referee. So then each team develops the best offense they can in the preparation of a budget that is many times unrealistic. Therefore, they try to prepare something that they can sell to the allocation board.

The allocation board is definitely in a very precarious position, and I must say on behalf of all allocation boards and all

people who have served on allocation boards that they have done a tremendous job and they have done a good job.

However, we have missed the one point that I feel is important. We have taken the responsibility away from our elected boards in setting the tax millage. And I feel under the majority report we are replacing or putting the responsibility on the people we put into these positions in placing the millage where they are responsible for it.

I, as a taxpayer, can go to the man that I placed on the board of supervisors or upon the school board and say that you are the man that is responsible for the millage that you are charging me on my taxes, not the allocation board. He cannot come to me and say: "Well, I had nothing to do with this; this millage was set by the allocation board." And I feel that we should, in view of good government, place the responsibility on the officials that we place on and elect to these boards.

In conclusion, I would like to say that if we are to establish harmony back in our local governments, this is the place we must do it. Because we have created an atmosphere in many counties where the board of supervisors are very, very critical of the school men, the school men are very critical of the board of supervisors. One is looking at the other and criticizing him for the amount they are paying for wages, when they buy a new fire truck or when they hire new teachers.

I think our local units of government should operate in cooperation, and I feel with the majority report each unit of government is responsible within their own limits of where they can set that millage, and they certainly can and certainly will set it lower if the people and the voters know they are responsible for setting this millage. And it will recreate a harmony among our governing units in our local government. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lapeer, Mr. Haskill.

MR. HASKILL: Mr. Chairman, I want to speak in favor of the Turner amendment. I'm not in favor of freezing this millage out here to the schools, the counties and the townships. I feel that there should be some flexibility left out there for those to decide. I've discussed this problem for quite some time with the people in my community, my area and my school district. There have been some arguments through the allocation board, I'll grant you, but so far there have been no fatalities. They have generally come out, maybe, with a few scratches, but they still understand the school budget, they understand what is going on, where the money is being spent.

It no doubt would be very good to have the hearing where the public can come in, but from what I have observed, most of the public that do come in are still very few in number. There's very few of the public that really attend these local meetings to see where the money is being spent. They still leave it up to the allocation board or to the supervisor.

One of the other things I'm certainly opposed to is the breaking of the 15 mill limitation. In some areas it doesn't break it, but in other areas it does break the 15 mill limitation. As Mr. Brake said, it doesn't mean much of anything today, but it still is a deterrent. It still is like a ditch along the road, and if you want to get over it, the people have to vote to get over and beyond that 15 mill limitation. That is one of the things that the people from my area certainly have felt has been of some help to them.

As far as farms are concerned and as far as a lot of this other property is concerned, they certainly feel that taxes have gone as high as they should go, as high as they really can go. If you continue to put much more on property, people are going to be more or less in a hurry to get rid of this property. So I'm going to urge you to vote for the Turner amendment. I believe that it has been proved in courts; that if there's any argument, that has been taken care of; and we certainly feel that it will still continue on in a very orderly manner.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Marshall, Mr. Hatch.

MR. HATCH: Mr. Chairman, it seems to me that the issue here is very clear, and I'm not going to take any more of the

committee's time. I think that we are all about ready to vote on the matter.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Haven, Mr. Stafseth.

MR. STAFSETH: Mr. Chairman, I might say that I was on the committee, and I support the committee's proposal and oppose the amendment. I'll say that in the beginning I voted twice against the committee proposal, and eventually I voted for it to get it on the floor, because I wasn't sure. This was a change; this was a substantial change. But when I went back and talked to some of our people in government — supervisors and school superintendents — and explained the workings of this thing, they said this was acceptable. The only problem you run into is that some of the units that probably didn't have as high a rate as they would like are going to gripe because they weren't high enough.

But this is just like the cities have now, in their charters. Any unit of government, the township or the county or the schools, can vote whatever millage allocation they want under this provision. This is what a city does when they adopt a charter. They can go up to 20 mills. They can vote either 10 mills, like the city of Grand Rapids, or more. In this case here, within the reasonable limits of the 50 mill limitation, or the 35 above the unvoted, they can vote whatever millage they want to use. It gives them flexibility.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Muskegon, Mr. Seyferth.

MR. SEYFERTH: Mr. Chairman, ladies and gentlemen, as a member of the finance and taxation committee, I speak in favor of the majority report, for these following reasons, in the main. First of all, the 15 mill amendment as proposed by the majority of the committee did not, in its origination, find reasons for increasing the 15 mills. The formula that we have adopted is the result of much study and much research to provide for the units of government as fair a limitation in millage as possibly could be conceived. This, admittedly, exceeds in some instances — and in most instances — the present 15 mill limitation by $\frac{1}{2}$ a mill or possibly a mill on an average.

Also, it was not the intention of the committee by this action to eliminate the allocation board, even though we feel in the majority instance that the allocation board procedure is not in the best interests of the units of local government. But in applying the millage freeze, as the term has been used, the allocation board automatically ceases to exist.

Now, the basic premise of the thought behind the presentation of the majority of the committee is to provide for local units of government, and I have heard on this floor many times the desire of the local units of government to have more freedom, to have more individuality, and to have more control. This certainly is a step in the direction of providing for local units of government just exactly that which they feel they should have. But, by the same token, we are going to impose, if this is adopted, a sense of responsibility.

Now, the cities in the state of Michigan have been operating under this very system for a long period of time. Their charters freeze in their operating millages, the same as we are proposing in this majority committee recommendation that the local units of government — the schools, the counties and the townships — will have their millage frozen at a level which we believe in the best interests of the units of government will best permit them to operate. Now, if they want more, they vote for more. That is what we have been asking for — to put the responsibility back at the local level. If they do not need that which is given to them under this so called freeze, then let them act in the same manner as the cities do, and reduce their millage — and, believe me, cities do reduce their millages less than the charter requirements — and if they need more, they increase it.

So it boils down to being nothing more than a proviso to give to the schools and the townships and the county governments more individual freedom and expression and control. I support wholeheartedly the majority opinion, and urge you to vote against the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Rapids, Mr. Tubbs.

MR. TUBBS: Mr. Chairman, I hope I am mature enough

to be able to agree with Hale Brake and his committee when I think they are right, and disagree with them when I think they are wrong. In this instance I think they have done a pretty good job. I agree that this whole business is a compromise, and perhaps will always be that way. But at least the units will know what they can do with this section.

A few years ago we had the situation in Grand Rapids where the county of Kent suddenly was faced with a large welfare addition to its needs, and the board of education needed more money. An additional mill, divided between the 2 units, would have meant the difference between meeting their budgets and not. So it was submitted to the people for a vote. The people out in the country weren't interested in education; the people in the city weren't interested in welfare; and it was defeated. If the matter had been put squarely before the taxpayers involved, the people in Grand Rapids would undoubtedly have voted additional millage for schools, and the other way around. I think this is not perfect, but I favor the majority report.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Rapids, Mr. Goebel.

MR. GOEBEL: Mr. Chairman, I rise to speak against the amendment and for the majority proposal. Now, I appreciate that this does represent a change from what we have had, but sometimes a change can be good, and I believe that this is a good change. And I know that in my contacts with the various people who have had some experience with the allocation board, and officials of the 3 governing units that have been subjected to allocation boards, many of whom have a very conservative viewpoint, they state that they feel this is a good change. They approve it.

I want to talk specifically to Mr. Farnsworth's remarks, and I do not wish to say that Mr. Farnsworth is wrong in what he said, but he perhaps might have left an impression which may not be justified. First, that this freezes allocation. Now, I know what you meant, Mr. Farnsworth, and I think that in the main you are right. But it does not allocate. It only sets the limit of taxation for each of these 3 bodies, and then the governing board of the individual units sets the tax rate within that limitation, not the allocation board. Mr. Farnsworth also remarked that it would take a constitutional amendment to change this freezing of allocation.

Mr. Farnsworth, that could be done that way, you are correct. But there is a much easier method, under the proposal submitted by the committee, to do this, and that is by a vote of the people who pay the taxes within the 3 governmental units, which is a much easier way than changing the constitution.

And I agree with Mr. Seyferth in his remarks that all we are doing here for these 3 governmental units is setting a limitation beyond which the governing body cannot go, unless the people raise that limit — just exactly as is happening in the incorporated cities of the state of Michigan right now.

Mr. Shanahan said something about shifting the responsibility of the allocation board. This does shift the responsibility from the allocation board, and brings it right down to the governing boards of the 3 governmental units.

I want to say that I agree wholeheartedly with my friend, Mr. Sleder, when I say, as he says, that it does away with the irritations and feelings between these 3 governmental units in determining their millage under the allocation board. It will improve relations among 3 governmental units where cooperation is good in the best interests of all of the people in the county. And, to me, this is home rule in its purest sense. The people themselves decide the tax limits that are going to be imposed upon them — not the allocation board, but the people themselves.

For these reasons and many others I object to the amendment, and ask that you give the committee proposal your full hearted assent. Thank you very much, Mr. Chairman.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Quincy, Mr. Knirk.

MR. KNIRK: Thank you, Mr. Chairman. Ladies and gentlemen of the committee, I rise to support the Turner amendment, because I feel — and I would like to ask Mr. Brake a

question — that the majority report would absolutely give the privilege of increasing our taxes. Isn't that correct, Mr. Brake? The majority report, Mr. Brake, absolutely gives the local units of government the power to increase our taxes automatically without our consent?

CHAIRMAN BENTLEY: Mr. Brake.

MR. BRAKE: In some places, it makes available the highest millage you have had in those years 1957 to 1961. Now, that may in your particular instance — and it may not in some other instance — permit an increase. That is not a compulsory increase. You don't have to go there if you don't wish.

MR. KNIRK: Well, I have had the privilege of appearing, Mr. Brake, before the allocation board for the past 4 or 5 years, and in our particular county we have changed from where the county was getting $7\frac{1}{2}$ mills to where now the schools receive 8.3 mills, all within the last 6 years, and then the township's was 1 mill.

I called the local people in my county on this, and the very comment that came from one of the officials in the courthouse was: "Well, that would certainly do us a lot of good. We could have $\frac{7}{10}$ of a mill more money to spend than we have had in the past." Yet just last year they had a \$23,000 addition to their surplus. I'm referring to the schools. And when we appear before the allocation board, we take in our budget absolutely as we operate under, not padded. And I think any school or any segment of government that does differently is just kidding itself. And we have to vote 3, 4 mills extra operating millage.

Now, this $\frac{7}{10}$ of a mill difference between the 15 and what the sum total would be in our particular county could, as I see it, go entirely back to the county, and the schools would still stand exactly where they are. Is that right?

MR. BRAKE: The fact that one unit did not use its millage would not give it to another unit. The townships can turn it over to the schools if they wish.

You are to be commended if your budget has never been padded. Unfortunately, a lot of the budgets that go to the allocation boards are padded, on the theory that they will get a cut anyway, so they might as well ask for what they want.

And, on your statement that that will give your county more than they have had, they don't have to spend it.

MR. KNIRK: I know they don't.

MR. BRAKE: And if I know boards of supervisors around the state, it will be a pretty hard job to find anybody more economy minded than those boards of supervisors.

MR. KNIRK: I wish I could agree with you on that, Mr. Brake. I just can't. I think it just absolutely would increase our taxes, and consequently would increase waste. And I would like to use one other example. Many of our townships in my community have received the 1 mill, and then they have made donations to every cause you can think of, including band uniforms in my own school — and I do not believe that is the way we should be spending this 1 mill.

MR. BRAKE: Well, you might go a little further than that and say you don't believe it is legal for them to do it. But it is legal for them to turn that extra money over to the schools.

MR. KNIRK: We go in for the fight, and I mean it's been a real tough battle. I would rather see the 15 mill limitation be retained, and then we will present our budget to the people, because we haven't lost on a single millage increase in our community for quite a number of years, rather than having an increased tax in the county and the township, and then still have to go to the people to get our millage.

That's what I feel is going to happen. Therefore I would certainly object to the majority report.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Saginaw, Mr. Turner.

MR. TURNER: Mr. Chairman, ladies and gentleman of the committee, I agree with Mr. Brake that the committee on finance and taxation is conservative, and I like it. And it has been proven that the committee is conservative, since Committee Proposal 56 could not get enough approval to get out of committee until some of us changed our vote so we could get it out to meet the deadline.

I agree that the 15 mill is not utopia. And I will not be satisfied with my work at this convention until I can find some way to improve the tax structure of this state. We have lived with the 15 mill limitation for some time, and it has been proven. And, believe me, ladies and gentlemen, we are putting our future in a capsule that is destined for the unknown if we go with Committee Proposal 56. Proposal 56, in my estimation, has not been thoroughly researched, and we cannot foresee all of the ramifications of the problems that we will be confronted with.

At this time I would like to yield to Mr. Leslie Richards, if possible.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Negaunee.

MR. L. W. RICHARDS: Mr. Chairman and fellow delegates, I want to thank you, Herb, for giving me this opportunity. Probably Herb was aware of the fact that I would support his amendment, and he was very gracious in yielding.

I feel I'm a little behind in words with some of my fellow delegates, and I like to have an opportunity on occasion to rise and let you know I'm still here.

But, definitely, I do oppose the majority report. I feel, something like my good friend Jim Farnsworth, that we are freezing into the constitution the amount of millage, and to the fact that I don't believe any of us here can determine what the economic changes will be in the near future, and while this may be workable today in a certain area, when I think of our own upper peninsula I'm a little bit disturbed.

As our delegates yesterday went on record approving this 50 per cent of true cash value, probably realizing the need of industry for some of this recognition, I can also realize what that will do to our upper peninsula.

And as some of our people say, we are going back to local control when we place this directly in the constitution. I can't quite interpret it. I believe it's more local control when you do go down to your allocation board and discuss these things. And when the economic conditions change, you have a chance to vary these millages, and I think that's very important. Probably today the majority of the people and governments would benefit by this, but what would the situation be tomorrow? I believe that our economic situation could change.

By the action of these delegates, supposing we went to county home rule, where those people could get more money. If that did happen, with their extra millage they still could retain this millage in the constitution, and once again we would be in trouble due to the fact that I don't think it should be in the constitution. It has been on the statute books since 1932. It's been workable, with a little irritation. The biggest concern that everybody seems to have is this problem with the allocation board, where people get in each other's hair and discuss things. But, by the same token, folks, we have all gotten in each other's hair here on the floor, and if we're going to base it on that principle, we should not discuss things here. We should decide by voting, without discussion. By getting in each other's hair once in awhile and having a good healthy discussion, we make a more honest determination.

I would still retain the allocation board and the 15 mill distribution by that board. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Petoskey, Mr. Spittler.

MR. SPITLER: Mr. Chairman and delegates, first of all I would like to ask a question of Mr. Brake, and then make a very short statement, because I think that this has been clearly debated pro and con, and I think we are about ready to vote upon it. In talking to some of the members of the committee, Mr. Brake, I've gotten different statements. In your earlier statement, in which you clearly explained this, did I understand you to say that the tax commission, the attorney general and the department of public instruction had approved of this plan? Did I understand that, or not?

MR. BRAKE: The attorney general would not be asked and was not asked whether he approved of the plan. He

was asked to go over the language—as were some bond attorneys, and so forth, who were interested in this kind of thing—to see if we had said what we meant. We didn't ask either the bond attorneys or the attorney general whether they liked the general idea. I think some of them did express themselves, but that is out of their field. That wasn't what we were asking for.

MR. SPITLER: And on the other 2, the tax commission and the department of public instruction?

MR. BRAKE: Some of the members of the committee I think talked to the tax commission. The committee did not do that officially.

MR. SPITLER: I've got conflicting reports on that conversation with the tax commission. I just wondered—

MR. BRAKE: I wasn't there. You will have to talk with those who were.

MR. SPITLER: The same thing holds true for the department of public instruction?

MR. BRAKE: I think the same thing is true. I think some members talked to somebody over there about it. And of course some of us talked to your M.E.A. representatives. And the last conversation I had in that respect—

MR. SPITLER: They are not my M.E.A. representatives, Mr. Brake. (laughter) I would like to make a short statement, and let me say this, that as far as my own local school district is concerned, the one in which I have worked for many years, they would be very happy to have this. So if I were speaking for my own school district, I would support the majority report.

But I am supporting the Turner amendment, because I have worked in this field for many years and I know the implications that are involved. I want to be on record in this convention as opposing this majority report, so that anything that comes up in the next 5 or 6 years, I will be on record as supporting the Turner amendment.

And especially for the reason that Delegate Farnsworth has given here. You are writing into the constitution the freezing of millage from 3 mills to 11 mills. You can't justify that difference in millage. You're freezing it into the constitution. If this were to be done, I would agree with Delegate Farnsworth, let the legislature do it. Let it try it. Then it can be adjusted from year to year.

I've heard so many statements in this convention that we shouldn't be legislating in our constitution. And I certainly would agree with you on this point. I want to take the stand that if this is to be done, it should be done by the legislature, where it can be corrected; that you are writing something in here on which there are going to be many complications, many implications.

And I think if you were to confer with the tax commission, with the department of public instruction, they would support that. I'm going to support the Turner amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Saginaw, Mr. Leppien.

MR. LEPPHEN: Mr. Chairman, members of the committee, we have heard a great deal on this proposal, plus the amendment.

I keep hearing it repeated and repeated and repeated that the budgets of the units will be reviewed at a public hearing. I wish to respectfully point out that questions asked by the allocation board, based on the experience of some 15 years with allocation boards, convince me that should the questions be asked of the representatives of the units involved—the city board of education, as we call it, the county board of supervisors, and township boards, as represented by whoever appears on behalf of those units—at a public hearing, you would have a riot within a very short time. Because no public hearing is controlled as to parliamentary procedure and as to the right person speaking at the right time, and in a public hearing, which is undisciplined, you would just naturally have chaos.

Would I be able to say: "a plague on both houses." Because I firmly believe that the committee has not come up

with the tax solution that this convention should come up with for the state of Michigan for the future years.

Ladies and gentlemen of the committee, I want to support wholeheartedly the amendment proposed by Delegate Turner and his people, for the reason that, with so much freezing, the preparation of budgets cannot be looked into by public hearings, and all the things that go with it. Mr. Chairman, I support the Turner amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Port Huron, Mr. Staiger.

MR. STAIGER: I think we have spent plenty of time on this, and we are probably all ready to vote, but I just would like to make a couple of comments. One, with regard to the question that this could be handled by the legislature, that was clearly the first view we took when we took a look at it. But, in examining the 15 mill amendment, these problems are created by the constitution. I think it's obvious that the particular solution we have given could not be done by the legislature. When we reviewed it, we would have liked to stay within the 15 mills. In doing that, we ran into more problems than we were solving in trying to stay underneath the 15 mills and get some kind of an equitable limit on each unit of government.

On this variable millage problem, the legislature's hands are tied on that by the constitution and by the 15 mill amendment and the other provisions in the 1908 constitution.

If you are going to have a solution at least as good as the one we have here, you cannot do it with going under the 15 mills or doing it by statute. The problems are caused by the constitution, and this is the place that we are going to solve them, and we are going to have to try to solve it.

Two, on the question that Mr. Leppien raised regarding the public hearings, we do have a provision coming out that will require all public boards to have public hearings. It's coming up next. I will only point out that in considering that in connection with this, in almost every charter that has been written since 1935, cities have been required to have public hearings. They feel it serves a valuable purpose. The committee concurred in that, and they haven't had, as far as I know, any disturbances or riots in these public hearings.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Madar.

MR. MADAR: Mr. Chairman, I couldn't help but remark, after having watched that clock over there for the past half hour, that I hope that the cloture rule isn't invoked this morning because of the long winded, one sided debate.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Austin.

MR. AUSTIN: Mr. Chairman, ladies and gentleman of the committee, I am reluctant to talk on this subject, and it is not my intention to present any argument—just to impart some information. We have word this morning that there is some apprehension among the supervisors in Wayne county about the committee proposal, and the indication is that they would prefer that the status quo be retained until something else can be worked out; and the preference would be to remove the 15 mill limitation altogether. But the word from the supervisors is that they would prefer to retain the status quo.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Rapids, Mr. Goebel.

MR. GOEBEL: Mr. Chairman, Mr. Staiger has said what I intended to say, with one exception. I would like to take just a couple of more minutes of your time, if I may, to reassure Mr. Knirk about his concern for the fact that the governing bodies might levy up to their limits in taxes, and thus dissipate the taxpayers' money. Now, if the governing body takes up to the limit and does not need that money, and levies those taxes upon the residents in the governing unit, and levies taxes above what that governing unit needs, I submit to Mr. Knirk and you gentlemen that the remedy is in the hands of the people themselves; not the allocation board, not the legislature, but in the hands of the people themselves. The people themselves can remove by vote the

members of a governing board which levies taxes in excess of what they need.

Now, I agree with Mr. Brake 100 per cent in his statement where he said that the great majority of boards of supervisors are very frugal in levying taxes beyond what they need, and certainly the history in a great many of our cities which are operating under charters, as you know, is that most of them do not take up in taxes the limitation which is allowed them under their charter. I therefore again ask that you vote down the amendment, and vote on behalf of the committee proposal. Thank you.

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

MR. FARNSWORTH: Mr. Chairman, my purpose in rising is to ask Mr. Austin to clear up the "status quo." Mr. Austin, I'm not clear which you are indicating that the Wayne county board of supervisors is in favor of, the amendment or the majority report.

CHAIRMAN BENTLEY: Mr. Austin.

MR. AUSTIN: May I make one correction, Mr. Chairman. I did not want to convey the impression that there had been a vote taken in the Wayne county board of supervisors. This is just a consensus that was taken to get some idea as to what the feeling was down there. The second point is that it would seem that the amendment would retain the status quo.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Saginaw, Mr. Turner, and others. As many as are in favor of the amendment will respond by voting aye. Those opposed?

The Chair rules the ayes have it.

MR. BRAKE: Division.

CHAIRMAN BENTLEY: The chairman of the committee asks for a division. Is the demand supported? There's a sufficient number. Those in favor of the Turner amendment will vote aye. Those opposed will vote no.

MR. ROMNEY: Mr. Chairman, could we have the amendment read?

CHAIRMAN BENTLEY: Without objection, the secretary will read the amendment.

SECRETARY CHASE: The amendment offered by Mr. Turner and others is:

[The amendment was again read by the secretary. For text, see above, page 916.]

CHAIRMAN BENTLEY: The machine will be locked. The committee will be in order. The difficulty at the desk in reporting this total is this. Some of the delegates have changed their votes without so indicating, and so the secretary is not certain that he has the correct total here.

Mr. Van Dusen.

MR. VAN DUSEN: Can the board be cleared and the vote taken again?

CHAIRMAN BENTLEY: Without objection, the board will be cleared and the vote will be rerecorded.

SECRETARY CHASE: Will everyone first clear their voting stations.

CHAIRMAN BENTLEY: Those in favor of the amendment will vote aye. Those opposed, no.

The machine will be locked. The committee will be in order.

SECRETARY CHASE: On the adoption of the amendment proposed by Mr. Turner and others, the yeas are 84 and the nays are 35.

CHAIRMAN BENTLEY: And the amendment is adopted. Are there further amendments to the body of the proposal?

SECRETARY CHASE: Mr. Powell offers the following amendment to the language that has just been adopted:

1. Amend page 1 (in the amendment) after "assessing district" by inserting "who have property assessed for taxes in any part of the district or territory affected by the result of such election or the lawful husband or wife of such person"; so that the language will then read, starting in line 13: . . . by a majority vote of the electors of any assessing

district who have property assessed for taxes in any part of the district or territory affected by the result of such election or the lawful husband or wife of such person . . .

CHAIRMAN BENTLEY: The gentleman from Ionia is recognized in support of his amendment.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, attention was called yesterday to the fact that there was a discrepancy between the provision in this regard in this report and the report of the elections committee, which will be coming up shortly.

When the 15 mill amendment was first initiated, the requirement for raising millage above the 15 mill limit was a 2/3 vote of everyone, without regard to property owning qualifications. Later, when there was a liberalization of the provisions and the time was lengthened, the vote was cut down to a simple majority, but it was still left a simple majority of just the electors, without regard to property owning qualifications.

Now, it has always seemed to me that when you can vote to raise the millage above 15 for as long as 20 years as the result of one election, that is just as much an obligation, a virtual mortgage, if you please, against the real and personal property of the district affected as would a bond issue be. But the constitution in article III, section 4, if I recall correctly, has provided right along that the qualification for voting on a bond issue or the direct expenditure of public money was that the person had not only to be an elector in that district, but had to be a property owner or the spouse of a property owner.

And so, I think, to make it consistent, that this provision should be written in at this place, so that the same qualifications would prevail and provide in the case of raising millage above 15 as would apply for the approval of a bond issue. Because only those who have such property owning qualifications are the ones who will be responsible for making those payments over the term for which the rate has been increased.

MR. YOUNG: Mr. Chairman.

CHAIRMAN BENTLEY: For what purpose does the gentleman rise?

MR. YOUNG: On the amendment.

CHAIRMAN BENTLEY: The gentleman will be recognized as soon as the gentleman from Birmingham has been recognized.

MR. VAN DUSEN: Mr. Chairman, I would like to suggest that we deal with Mr. Powell's amendment, if he has no objection, in the same fashion as the conflict between the proposal of the committee on declaration of rights and the committee proposal were dealt with yesterday.

I have some technical objections, as well as substantive objections, to Mr. Powell's amendment. We discussed them briefly when he presented a similar amendment in the committee. I don't believe it does exactly what he thinks it does, but that's a matter of style that we can discuss at great length here without really making progress.

Mr. Powell, would you not be willing to let the decision on this abide the presentation of Dr. Pollock's report?

MR. POWELL: Yes, I have no objection to that. However, I want everyone to remember that this matter was raised now, and it is not something that we can take care of in style and drafting. This is very definitely a substantive matter which should have consideration on the floor here.

If it will, in your judgment, expedite procedure, I will be willing to withdraw the amendment at this time. I think everybody will agree that I have occupied very little time at this microphone. I have had plenty of things on my mind that I would have liked to have said, but other folks were saying them, and saying them at great length, so I have been staying away. But this is something that is tremendously important to me, and I do not want to see it neglected. However, I am willing that it be handled first in the other committee report. So I withdraw the amendment.

CHAIRMAN BENTLEY: Before the chairman recognizes the unanimous consent to withdraw the amendment, he will ask the gentleman from Detroit, Mr. Young, if he desires to speak on that subject.

MR. YOUNG: Mr. Chairman, I merely wanted to make the

point that Mr. Van Dusen made. I'm in agreement with withdrawal.

CHAIRMAN BENTLEY: Without objection, the amendment will be withdrawn. Are there further amendments to the body of the proposal?

SECRETARY CHASE: Mr. McCauley offers the following amendment:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the committee proposal and inserting "The legislature shall by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions."

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

MR. MCCAULEY: Mr. Chairman and ladies and gentlemen of the committee, the amendment means exactly what it says. For the sake of brevity, flexibility, and looking ahead 50 years, we are attempting to do something here that we can all be governed by.

By giving the legislature this power, I think that we will avoid some of the arguments that we get here as far as freezing things into the constitution. I realize politically this is bad for a lot of people, but there are a lot of things that are in this constitution that are politically bad, and I would just as soon try this thing. I feel confident that if we leave the legislature this power, it in its wisdom will grant to townships, counties and school districts sufficient millage to meet their operating expenses.

CHAIRMAN BENTLEY: The gentleman from Birmingham.

MR. VAN DUSEN: Mr. Chairman, I would like to make it clear that I speak now only for myself, and not for the committee on finance and taxation. But I would like to support strongly the amendment offered by Mr. McCauley. I think the present 15 mill limit is an abomination. It doesn't protect the taxpayer from excessive taxation. It doesn't do what it says. It creates problems in terms of municipal finance far beyond any worth which it has in protecting the taxpayer. It's just a nuisance which should be removed from the present constitution.

Now, I felt that the proposal of the majority of the committee was a sound and progressive step in dealing with the matter. I feel that Mr. McCauley's amendment is an even sounder and even more progressive step in dealing with the matter. I heartily support it, and urge all of you to do so.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Ledge, Mr. Doty.

MR. DEAN DOTY: Mr. Chairman, Mr. McCauley has just offered an amendment that gives us something to look at and something to think about. Now, if you want to take this amendment and adopt it—and I like the idea—let's go on back and take the road funds, the school funds and all of the rest of the earmarked funds and treat them in the same manner. Let's start right in again and clean house. I won't guarantee we will pass the document, but I believe in it in principle. And if this is what they want, I'm all for it.

Now, as far as Mr. Van Dusen's statement is concerned, I support the position of the committee in their attempt to do something. But I'll go for 20 mills before I'll go for something that is so full of legal entanglements that even most attorneys turn and say, "What does it say?"

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Muskegon, Mr. Seyferth.

MR. SEYFERTH: Mr. Chairman, ladies and gentlemen, the McCauley amendment is a duplicate of mine, which is on the secretary's desk; and I, too, speak as an individual, and not as an official delegate of the finance and taxation committee.

The statement was made about the board of supervisors of Wayne county, and I quote from a letter received dated February 6:

The board of supervisors of the county of Wayne today has endorsed and urged your most careful consideration of the principles embodied in the attached draft of 3 sections

suggested as appropriate for the taxation article of the new constitution.

Section 1 has been taken care of by this committee, and we have debated it at long length. Section 2 will, I know, come up later on; and section 3, the amendment that is now before us, which is exactly as Mr. McCauley has presented, is the one that we are now considering.

I wholeheartedly support the approach that we are now giving or considering giving to the counties, townships and school districts in the same manner as I specified in my last presentation at this microphone. We are now putting them on the same level as the cities, giving them the power to tax and the power to control. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. Kuhn.

MR. KUHN: Mr. Chairman, I must speak in opposition to this amendment. I agree that we should not have any earmarking of funds in our constitution. But the committee has not found itself to be in that position. Therefore, at this time I will vote against this amendment. I'm still hoping that maybe on the second reading we can change that thought and go forward. But as long as we are going to have an earmarking of funds, we must have this limitation in our constitution.

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

MR. ROMNEY: When Mrs. Cushman offered her amendment that we eliminate the earmarking of highway funds, I supported that proposition vocally, and I raised my hand for a division. I think that the McCauley amendment should be supported.

I think that Mr. Dean Doty is right that we are retaining language in the constitution that in some instances is not meaningful and represents a sacred cow approach that becomes an obstacle, and that we should eliminate it and that we should provide this flexibility.

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

MR. FARNSWORTH: Mr. Chairman, members of the committee, I would be the first to agree that the 15 mill limitation is not a very workable or a very effective instrument in the way of controlling taxes. I think any of us that know anything about government would recognize that.

It has been said on many occasions, however, that what people think about what we do here sometimes is going to be just as important as what we actually do, and it is on that basis that I speak in opposition to the pending amendment. People have in their minds that the 15 mill limitation does something for them. You take that out of the constitution and you're going to meet, I submit, a great amount of unnecessary opposition to whatever you do here. Again, I repeat, what people think sometimes is more important than what it actually does for them.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from East Lansing, Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I came this morning to this convention hall with the feeling that when we had finished Committee Proposal 57, I should like to say something that weighs heavily on my mind. Now, in view of the discussion before us, I am going to say it now, and make it fit the amendment before us.

I had the notion when we were talking about the calling of a constitutional convention that the chances of our writing a constitution in the best interests of all of the people of this state for the decades ahead would be greater if the members of this convention were not elected on a partisan basis.

What has been happening in this convention in recent days convinces me that the history to this point in the convention indicates that that's true. There are some issues that are not partisan political: education, taxes, many others. There are some issues before us that may be. Everyone has to pay taxes, regardless of his political suasion or his color or anything else.

What I had hoped to say was when we finished Committee Proposal 57, that the leadership of both parties in this convention get together between now and the time that this whole

section comes back to us on second reading and see if they can't come up with some kind of an agreement that will answer or make it possible for this state to answer what has been its number one problem for more than 10 years, and that is some sort of an equitable taxing program.

In my view, the best talk made before this convention was the one made the other evening by Charlie Davis on this same subject, but he was then talking not about the 15 mill amendment, but about earmarking of school funds.

I would like to subscribe to the point I made Monday afternoon when we were talking about the earmarking of highway funds, when I indicated that in my view Mrs. Cushman had made a useful contribution in raising the question that she had raised, and when we crossed that bridge, we crossed it, and the tail might as well go with the hide.

Now, to make these remarks apropos. I would urge that we vote down the amendment now before us; that we go on with Committee Proposal 57; that the whole business go to the style and drafting committee, and then hope that the Republican leadership and the Democratic leadership might get together on some words that would make it possible to put into this constitution what's required to give the governor and the legislature the opportunity to solve this tax problem. Thank you. (applause)

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Austin.

MR. AUSTIN: Mr. Chairman, I rise to argue briefly in favor of the McCauley amendment. I would just like to read one short paragraph:

Inflexible overall tax rate limitations, such as that contained in section 21, article X of our present constitution, require impractical allocations among competing taxing districts. This amendment was adopted in the depths of a serious economic depression following an unprecedented real estate boom, and no longer represents an appropriate or effective control of property tax levies. Certainly it is unlikely to prove effective for the conditions which lie ahead during the probable life of the new constitution. Such inflexible restrictions commit the property tax to a more burdensome role in financing government than future conditions may indicate as desirable. Instead, limits on property taxes imposed by different units of government should be fixed by law so they may be changed by the legislature as conditions change.

I believe that this paragraph reflects my sentiments very well, that it would be better to leave this matter to the legislature.

And I would like to remind the delegates that in suggesting earlier that we reject the committee proposal, it was my feeling at that time that we should remove the 15 mill limitation altogether, but that retaining it in its present form was better than what the committee offered. I support the McCauley amendment.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Wyandotte. As many as are in favor will respond by saying aye. Those opposed. The Chair rules the nays have it.

A DELEGATE: Division.

CHAIRMAN BENTLEY: A division has been demanded. There are a sufficient number. Those in favor of the amendment offered by the gentleman from Wyandotte will vote aye. Those opposed will vote no. The machine will be locked. The secretary will announce the results.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. McCauley, the yeas are 60, the nays are 58.

CHAIRMAN BENTLEY: The amendment is adopted.

Are there further amendments to the body of the proposal?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN BENTLEY: If not, the proposal will pass. Committee Proposal 56, as amended, is passed. The secretary will read.

SECRETARY CHASE: From the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 57**, A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section.

I was inclined to go along with Art entirely at the beginning, but he has persuaded me somewhat that we have a golden goose laying golden eggs here, and I would hate like the devil to let it get away from us now. (laughter)

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

MR. A. G. ELLIOTT: May I ask the Chair how many other speakers there are on this subject?

CHAIRMAN BENTLEY: There are no other speakers listed at the moment on the Chair's desk.

MR. A. G. ELLIOTT: Does the secretary have any other amendments to this?

SECRETARY CHASE: This is the only one to this section.

MR. A. G. ELLIOTT: If there are no other speakers, I am then not going to make the motion that I was going to make, and maybe we can resolve this one before I make it.

CHAIRMAN BENTLEY: The lady from Detroit, Mrs. Hatcher, is recognized to speak on the amendment offered by Mr. Ford.

MRS. HATCHER: No, that's not it. I wanted to speak on the Madar amendment.

CHAIRMAN BENTLEY: I think we'd better dispose of the Ford amendment first. Without objection, the secretary will read the amendment to the Madar amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 937.]

CHAIRMAN BENTLEY: The vote occurs on the amendment offered by the gentleman from Taylor, Mr. Ford, to the amendment of the gentleman from Detroit, Mr. Madar. As many as are in favor of the Ford amendment will respond —

MR. MADAR: Mr. Chairman, I wish to speak on the Ford amendment.

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

CHAIRMAN BENTLEY: The question is whether the committee shall rise. Those in favor say aye. Those opposed, no. The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

PRESIDENT NISBET: The secretary will report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 57**, A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. It reports this Committee Proposal 57 back to the convention without amendment, with the recommendation that it do pass.

PRESIDENT NISBET: **Committee Proposal 57** is referred to the committee on style and drafting.

For Committee Proposal 57 as referred to the committee on style and drafting, see above, page 929.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Exclusion Report 2028**, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X. It reports this exclusion report back to the convention with the recommendation that it be adopted.

PRESIDENT NISBET: The question is on the adoption of the exclusion report. Those in favor will say aye. Opposed, no.

Exclusion Report 2028 is adopted and referred to the committee on style and drafting.

For Exclusion Report 2028 as referred to the committee on style and drafting, see above, page 929.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 56**, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation. It reports this back to the convention with the following amendment:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the committee proposal and inserting:

"The legislature shall by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions."

PRESIDENT NISBET: The question is on the adoption of —

MR. KUHN: Mr. President, is this the McCauley amendment?

PRESIDENT NISBET: It is.

MR. KUHN: I ask for the yeas and nays.

PRESIDENT NISBET: Is the demand for the yeas and nays seconded? There is a sufficient number. The Chair recognizes Mr. Powell.

MR. POWELL: Mr. President, and ladies and gentlemen of the convention, I was on my feet to make the same request. I would like to comment very briefly that our finance and taxation committee wrestled with this problem of the 15 mill limit for months, and they came up with what was known as the majority report.

However, after that, we then very carefully debated at length, and there was favorable action on the Turner amendment for a time. The vote, if I recall, on the Turner amendment was 84 to 35. That was an amendment to retain the present 15 mill limitation. That was a vote of well over 2 to 1 in favor of retaining our 15 mill limitation.

Then, with a minimum of debate, and I think a good bit of snap judgment, we adopted the McCauley amendment by a vote of 60 to 58, and if my arithmetic is correct, there were some 26 people not recorded, either absentees, or out of the room, or something.

And so I feel that we very definitely should have a record vote at this time, and I think you all know that personally I hope we will not accept the McCauley amendment.

PRESIDENT NISBET: Mr. Davis.

MR. DAVIS: Mr. President and delegates, in connection with this particular matter I would just like to make this statement, and it will be brief. If we in this convention, as Republicans, as Democrats, whether we are from the rural or from the urban, are willing to take the attitude of removing restrictions relative to finance and taxation, I stand ready to do it. I have taken this position in the committee. I will go farther than I did in the committee.

But if there is an attempt to remove the 15 mill limitation amendment from this constitution, which in my judgment is very meaningful, and justifiably so, to many areas in rural Michigan, if there is an attempt to discriminate in this matter, then I certainly will oppose it.

But I will say this: that if we together are willing to face the future on a basis of equality, I will vote to remove the 15 mill limitation amendment.

If we are ready to go forward on the same basis with regard to the schools, the highways, and other matters in this constitution, then I stand ready to do it. And if we don't, then I don't like what we did this morning, and I'm going to vote to keep the 15 mill limitation in here until there is manifest on the part of this convention a desire to look at this thing in its entirety. And when we are ready to go in that direction, I stand ready to support it. And up until that time I will oppose it by picking this particular thing out as a method of doing it.

I support the request for a roll call vote.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: I move the previous question, Mr. President.

PRESIDENT NISBET: The demand for the previous question has been ordered. Is there a sufficient number up?

The question now is: shall the previous question be put? All those in favor say aye. Opposed?

The previous question has been ordered. The vote now is on the amendment. Mr. Chase, will you read the amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 938.]

PRESIDENT NISBET: Those in favor of that amendment will vote aye. Those opposed will vote nay. The machine will be locked, and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas — 65

Allen	Garvin	Pollock
Andrus, Miss	Hanna, W. F.	Rajkovich
Austin	Hannah, J. A.	Romney
Baginski	Hart, Miss	Seyferth
Balcer	Hatcher, Mrs.	Snyder
Binkowski	Higgs	Spitler
Brown, T. S.	Hood	Staiger
Buback	Iverson	Sterrett
Conklin, Mrs.	Judd, Mrs.	Stevens
Cudlip	King	Stopczynski
Cushman, Mrs.	Krolikowski	Suzore
Dade	Lesinski	Tubbs
Danhof	Lundgren	Tweedie
DeVries	Madar	Upton
Douglas	Mahinske	Van Dusen
Downs	McCauley	Walker
Durst	McGowan, Miss	Wanger
Elliott, A. G.	McLogan	Woolfenden
Elliott, Mrs. Daisy	Millard	Yeager
Figy	Mosier	Young
Follo	Murphy	Youngblood
Ford	Nord	

Nays — 53

Batchelor	Greene	Powell
Bentley	Haskill	Prettie
Boothby	Hatch	Pugsley
Brake	Heideman	Richards, J. B.
Butler, Mrs.	Howes	Richards, L. W.
Davis	Hubbs	Rood
Dehnke	Hutchinson	Rush
Dell	Kelsey	Shackleton
Donnelly, Miss	Kirk, S.	Shaffer
Doty, Dean	Knirk, B.	Shanahan
Doty, Donald	Koeze, Mrs.	Sharpe
Erickson	Kuhn	Sleder
Everett	Leppien	Stafseth
Farnsworth	Martin	Thomson
Finch	McAllister	Turner
Gadola	Nisbet	White
Goebel	Page	Wood
Gover	Plank	

SECRETARY CHASE: On the adoption of the McCauley amendment, the yeas are 65, the nays are 53.

PRESIDENT NISBET: The amendment is adopted.

MR. A. G. ELLIOTT: Mr. President, a point of personal privilege.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I would like to tell Mr. Davis that I completely agree with him, and my vote yea was an indication that when we get another chance, we're going to make this thing a flexible constitution. (applause)

PRESIDENT NISBET: The next amendment.

SECRETARY CHASE: Mr. Turner now offers the following amendment:

1. Amend page 1, after "Sec. a.", by striking out the balance of the committee proposal and inserting:

"The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period

of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.

In any school district which extends into 2 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."

PRESIDENT NISBET: The question is on the Turner amendment. Those in favor say — Mr. Turner.

MR. TURNER: Mr. President, I think the sentiment has been shown here, and I would much rather withdraw my amendment and go back to work to find a much better way of constructing a better tax picture in this state. Thank you. (applause)

PRESIDENT NISBET: The amendment is withdrawn, and Committee Proposal 56, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 56 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 by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration Committee Proposal 81, has considered amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. President, I move that the convention now recess until 2:00 o'clock.

PRESIDENT NISBET: The question is on the motion of Mr. Higgs. Those in favor say aye. Those opposed.

The motion prevails. The convention is recessed until 2:00 o'clock.

[Whereupon, at 12:20 o'clock p.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened. Vice President Hutchinson assumed the Chair.]

VICE PRESIDENT HUTCHINSON: The convention will be in order.

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

Prior to the noon recess, Mr. Page filed a request with the secretary asking to be excused from the afternoon session.

VICE PRESIDENT HUTCHINSON: Without objection, Mr. Page will be excused. The Chair hears no objection, and it is so ordered.

The Chair recognizes the delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I should like to move that Committee Proposals 79 and 80, the report of the committee on legislative organization, be made a special order on general orders for next Wednesday.

VICE PRESIDENT HUTCHINSON: You have heard the motion of the delegate that the reorganization proposals, Committee Proposals 79 and 80, be placed on the order of general orders for next Wednesday.

MR. STERRETT: Point of information, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: There is a general calendar that lists 79 and 80, but we received the general calendar today, Friday, February 9. What numbers would they be on that general calendar?

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 61 of that committee, reporting back to the convention **Committee Proposal 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; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 37 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 62 of that committee, reporting back to the convention **Committee Proposal 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; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 38 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 63 of that committee, reporting back to the convention **Committee Proposal 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; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 39 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 64 of that committee, reporting back to the convention **Committee Proposal 49**, A proposal with reference to the borrowing of money by public corporations and bodies; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 49 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 65 of that committee, reporting back to the convention **Committee Proposal 51**, A proposal setting up the uniform rule of taxation for providing for equalization a maximum limit for assessments, prohibiting a graduated income tax, and covering the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 51 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 66 of that committee, reporting back to the convention **Committee Proposal 52**,

A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 52 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 67 of that committee, reporting back to the convention **Committee Proposal 55**, A proposal to include article X, section 19 of the 1908 constitution in the new constitution; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 55 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 68 of that committee, reporting back to the convention **Committee Proposal 56**, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 56 as reported by the committee on style and drafting, see below under date of April 19.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: No resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** The Chair recognizes Mr. Hutchinson.

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

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

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

CHAIRMAN HUTCHINSON: The committee will be in order. The secretary will announce the present situation.

SECRETARY CHASE: Item 20 on the general orders calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Two amendments have been adopted and pursuant to their minority report, Messrs. Downs, Lesinski and Murphy have offered an amendment to insert 2 new paragraphs on page 6, after line 24.

For last previous action by the committee of the whole on Committee Proposal 118, see above, page 2390.

Last evening Mr. Downs had revised the amendment by the addition of a sentence to the first paragraph and another sentence at the end of the second paragraph. This revised amend-

market. Employees retirement funds have been opened up for similar manipulation.

I regret that I do not share the apparent confidence of my colleagues in the stability of the stock market, the newly discovered depression proof nature of our economy, and the fiscal sagacity of a malapportioned legislature.

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

Following is Committee Proposal 23 as amended and rereferred to the committee on style and drafting:

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

Sec. b. 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 per cent 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.

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 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: Provided however, That the legislature is authorized to provide by general law adopted by a vote of 2/3 of the members elected to and serving in each house for the borrowing of money for the refunding of any bonds issued by the Mackinac Bridge Authority, at which time the Mackinac Bridge Authority Act shall be repealed and the operation of the bridge be assumed by the state highway department.

Sec. c. 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. d. 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 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 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 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.

PRESIDENT NISBET (continuing): The Chair recognizes at this time Mr. Leppien.

MR. LEPPIEN: Mr. President, I move that the statement of the chairman of the Mackinac bridge authority, as read by Delegate Dell, be printed in the journal.

PRESIDENT NISBET: The question is on the motion of Mr. Leppien. Mr. Madar.

MR. MADAR: Mr. President, I would like to move to amend that motion at this time so that the speech given on public health last night be also placed in the journal.

PRESIDENT NISBET: Mr. Madar, may the Chair say that that motion to amend is not a proper motion at this time. You can offer it as a separate motion after this motion has been acted upon if you care to. The question is on adoption of the motion by Mr. Leppien. Those in favor will say aye. Opposed, no.

The motion does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: Division has been asked for. Is the demand seconded? Sufficient number up. Those in favor of including the remarks of Mr. Dell will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

MR. GADOLA: I desire to know what we are voting on. The motion was for the statement of Mr. Brown and you put the motion as the remarks of Delegate Dell. Are we voting for the entire remarks or for the statement?

PRESIDENT NISBET: The Chair is sorry. The motion was on the statement of Mr. Brown read by Mr. Dell. That was Mr. Leppien's motion.

MR. GADOLA: I don't object to Mr. Dell's remarks, but I would like the motion put correctly.

PRESIDENT NISBET: The secretary will announce the vote.

SECRETARY CHASE: On the motion of Mr. Leppien to print the statement of the chairman of the Mackinac bridge authority in the journal, the yeas are 62; the nays are 56.

PRESIDENT NISBET: The motion prevails.

For text of statement, see above, page 2623.

Mr. Madar.

MR. MADAR: Mr. President, I am not going to put my motion in because I realize the expense that there would be to print this, and I am certainly not going to add any more cost to the taxpayers of the state of Michigan.

PRESIDENT NISBET: Thank you. (applause) The secretary will read the next proposal.

SECRETARY CHASE: The next item is item 15 on your calendar **Committee Proposal 56**, A proposal to limit the ad

valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation.

Following is Committee Proposal 56 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 939.):

Sec. a. The legislature shall by general law fix limits on the rates of ad valorem taxes ON REAL AND TANGIBLE PERSONAL PROPERTY which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by [charter or other applicable home rule provisions] CHARTERS ADOPTED BY THESE UNITS OF GOVERNMENT.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: We lost a little ground on that last vote. We had one against us. I love rugged individualists, but I hope we don't get too many of them. Dick Austin just suggested that the honeymoon is over, and I suspect that's right. Another thing I should say to you before we take up Committee Proposal 56: this is part of the compromise settlement that was made some time ago, which has become conveniently known as "the package." That is an easy way to refer to it, and I shall not hesitate to use that name. It is part of the compromise settlement.

We are offering a substitute to the McCauley amendment which became the proposal that was adopted when the matter was last before you. You have the substitute on your desks. I am sure all of you have it.

For text of substitute, see below.

In the first part of this, it provides for the 15 mill limitation as we have had it in the past. Unless the county takes other action, as I shall talk about in a minute, the 15 mill provision will prevail. The allocation board will be as it has been in the past. The schools, townships and counties will need to come before the allocation board each year and get the best share of the 15 mills that they can wrangle out of the allocation board. We tried when we were before you before to, we thought, improve this, but you didn't think so and rejected it.

We now have this substitute and we think it's better, much better than what we had submitted to you before, and it is on a pure county option basis. We provide here that any county which, by the vote of the people, so desires may adopt a fixed division of millage; so much for the schools, so much for the townships, so much for the county, which shall stand without any action on the part of any allocation board until such time as the people themselves change it. It would not be necessary for any negotiations or any hearing every year. Until it proves that the people are dissatisfied with the division, that is it year after year. Now we were convinced that in order to get such a thing adopted by the people of any county you would have to have pretty generally the agreement of the schools, the counties, and the townships. We were convinced that you would not generally be able to get that agreement and still stay within the 15 mills; that there would have to be a little leeway in order to come to such an agreement. We have therefore suggested to you a maximum of 18 mills.

Remember, this is only by vote of the people of the county. If the schools agree that they shall have 9 and the county that it shall have 6 and the townships, for instance, that they shall have 2, you would have a total of 17 mills. That proposition would be submitted to the people, and if they approved it that would be the millage until there would be another vote of the people changing it.

Now if they can agree on 15 mills as a maximum, they would be at liberty to do so; no compulsion at going above 15 mills, or even going to 15 mills. But we think we have got to allow a little margin there in order to make the thing work, and the margin we are suggesting is 18 mills. Now this would in no

way, in no way, interfere with the right of the people to raise more millage than that by a vote, with only the limit of 50 mills as the total, the same as it has been in the past. So even if they use 18 mills in their permanent millage, they still could vote by school districts, by townships, by the counties, to have more millage than that, as long as they stay under the 50. Now this up to this 18 could not be done by a vote of the school district or a vote of the township or county on its own millage. That would have to be the combination, and it would be on a countywide basis. Now, if we have made that sufficiently clear, that is the change. We think it is a very definite improvement.

PRESIDENT NISBET: The secretary will read the substitute proposal.

SECRETARY CHASE: Mr. Brake, on behalf of the committee on finance and taxation, offers the following substitute for Committee Proposal 56:

Sec. a. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes levied against 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 the townships and 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 or by county vote may be increased to an aggregate of not to exceed 50 mills 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 a majority of the qualified electors, as defined in Article II hereof, of any such taxing authority voting thereon.

The foregoing limitations shall not apply to (a) taxes levied 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 without limitation as to rate or amount, or (b) taxes levied 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.

In any school district which extends into 2 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.

PRESIDENT NISBET: The Chair recognizes Mr. McCauley.

MR. MCCAULEY: Mr. President, members of the convention, it is with a sense of regret that I see this monster that we buried 2 months ago suddenly spring to life. The reincarnation is something that I hardly recognized. As I look over the substitute as prepared by the committee I see that they took 1½ pages to say what could be said in 6 lines. This is, I think, probably the nicest piece of legislation we have in the constitution, and I am a little bit surprised that the majority of the committee who are, I am sure, strong advocates of good constitutional law, are agreeing to something such as this where all we are doing is legislating in the constitution. I start to realize that this is part of the compromise agreement, part of the package. The only difference between this and the other parts of the package that have been slipped over on us is that the delegates, before the compromise was entered into, had an opportunity to vote on this on the floor; to express their own thoughts and sentiments without the various pressures being exerted upon them. I recall to you, and I would like to have you reflect back to Journal 76, page 576, in which this convention adopted the amendment, 65 yes votes to 53 no votes. I still feel the same, that we are attempting to legislate in the constitution. All of the information that I have received from my constituents, the school boards in particular, were in favor of the amendment as originally adopted, and I

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

don't see where this is going to correct the school problems at all. I realize that they are making exceptions to charter townships and charter counties; however, I feel that this is something that the legislature can do. I think this is a period or a point where we should trust the legislature.

I have heard statements made by some of the more astute constitutional lawyers on this floor that the minute you start mentioning definite sums, definite millage in the constitution it is bad. We are not attempting to pass a constitution for the next 4 or 5 years; we are trying to think 50 years ahead, and the minute we start putting details into the constitution such as this, I feel that we are all making a mistake.

I would just like to remind the delegates of the way they thought back in February when this was first proposed to them, and after that to actually search their minds to think what is best for the people of the state of Michigan. Let's not—and I implore you—let's not be part of this package as far as this is concerned. We have gone along with certain executive branch decisions that have been made by the majority party; we have gone along with other things, but I think this is one that touches the heart and soul, the economic picture and future of the state of Michigan, and I implore you to turn down the substitute as offered by the committee.

PRESIDENT NISBET: The Chair recognizes Mr. Prettie.

MR. PRETTIE: Mr. President, a question through the chair to Senator Brake, please.

PRESIDENT NISBET: Senator Brake.

MR. PRETTIE: Referring to the substitute proposal, Senator, line 8 refers to the vote on increased millage by a vote of the majority of the qualified electors without spelling out what is meant. In lines 13 and 14 the reference is made, "as defined in Article II hereof." My question, having reference to Committee Proposal 58, is whether in the vote—under lines 7 and 8 the vote would be limited to those defined in section f of committee proposal 58, namely, property owners and the spouses thereof?

MR. BRAKE: No. That would refer only when you are voting on increased millage, not on when you are making a decision of the 15 mills or 18.

MR. PRETTIE: Thank you, sir.

PRESIDENT NISBET: Are there questions? If not, the question is on the adoption of the substitute. Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, it seems that each time a part of the deal comes up there is very little discussion. It seems that all of the discussion is on one side. I suppose that should be a lesson to the rest of us that we should have very little to say about these matters that are included in the so called package.

I certainly want to add my voice to that of Delegate McCauley that we had buried this monstrosity back in February and now it has been resurrected, and I don't see how we can in good conscience change our position on it. The 15 mill limitation was adopted during the depths of the most serious economic depression that we had ever felt. It followed an unprecedented real estate boom and it no longer represents an appropriate or effective control of property tax levies. Certainly, it is unlikely to prove effective for the conditions which lie ahead during the probable life of the new constitution.

Now there has been an effort to write some flexibility into the so called 15 mill limitation by providing that counties may vote for an 18 mill limit provided they abolish their allocation boards. I submit that if they are going to vote at all there need not be any limit at all, and leave it to the people to decide what limits they want to set.

There is no question that the provision that we agreed upon back in February, as revised by style and drafting, is what we ought to have in the constitution, and I want to read it again just to make sure you know what we have already agreed upon.

The legislature shall by general law fix limits on the rates of ad valorem taxes on real and tangible personal property which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charters adopted by these units of government.

This is a very adequate provision. It gives the legislature the

right to set limits, and it still leaves it to the counties to decide whether they want to raise those limits. They can vote whatever millage they want. I agree with Delegate McCauley that we ought to leave this monstrosity dead, and I would certainly oppose the substitute proposal.

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

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

PRESIDENT NISBET: The yeas and nays have been demanded. Sufficient number up.

MR. DOWNS: Having demanded the yeas and nays, I am inclined to think that the people's vote on this question will speak louder than many, many of the speeches that have been made here. I want particularly to endorse Delegate Austin's statement and Delegate McCauley's statement. I oppose the substitute. I voted against this when we had it up before, and I am still voting against this, and I hope that those delegates who have, for some reason best known to themselves, changed their attitude on this will know that their voting on this will speak loudly.

I think it is unfortunate that we put, or attempt to put, this type of leg irons on local units of government that may be trying to solve their problems. I am afraid that if we put more and more restrictions on, it is going to make it harder and harder to meet the growing needs of a growing state in a dynamic economy as we have. I am afraid this will hinder our economic and social growth rather than favor it. I therefore oppose the substitute.

PRESIDENT NISBET: The question is on the substitute proposal. Mr. Bradley.

MR. BRADLEY: Mr. President, I regret that I have to ask this kind of a question, but if I am in good conscience to understand what is going on, I must. Having come recently to the convention, I am not sure of the meaning of the committee proposal. The language provides for limits imposed by the local units of government themselves. Do I understand this to mean that a county, if it adopts a home rule charter, or if any of these charter townships or the cities and villages desire, under their own authority, to set a higher limit than that imposed by the legislature that this limit will prevail?

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Any unit of government which is authorized by law to set a charter limit on its millage is not under this 15 mill provision. That would apply to your cities, of course, your villages, and if we adopt the home rule for counties and they adopt the charters, it would apply to them, and it would apply to a charter township. They fix their own millage limits.

PRESIDENT NISBET: Mr. Bradley.

MR. BRADLEY: Mr. President, may I address another question to Mr. Brake, through the Chair? I was asking particularly about the committee proposal as contrasted with the substitute proposal. The committee proposal says that limits shall be fixed by the legislature, "except where such limits are provided by charters adopted by these units of government." If one of the units of government has set a limit upon itself higher or lower than that set by the legislature, which prevails?

MR. BRAKE: The charter amendment.

MR. BRADLEY: Very well, thank you.

PRESIDENT NISBET: The Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, may I ask how many more speakers you have?

PRESIDENT NISBET: Mr. Hodges is the only speaker the Chair has listed.

MR. VANDUSEN: In that event, Mr. President, I move to limit debate to 5 minutes.

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

The motion prevails. Mr. Hodges.

MR. HODGES: Mr. President, I move, under rule 54, a call of the convention, and the reason is that a gentleman who is a delegate here stated his reason for becoming a gubernatorial candidate was the abolition of what this very substitute proposes, and I think it is desirable that we have a vote of all delegates recorded on this question.

PRESIDENT NISBET: While we are proceeding on checking that, Mr. Snyder, do you care to speak?

MR. HODGES: Mr. President.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: Since I see the gentleman is within the bar of the convention, I will withdraw my request.

PRESIDENT NISBET: The motion is withdrawn. Mr. Snyder.

MR. SNYDER: Thank you, Mr. President. I will try to leave a few of these 5 minutes for others. I rise reluctantly in opposition to the substitute proposal, and I do this with very mixed emotions, because I am very aware of the problems we have in our community, I am very aware of the recent action taken by this convention in other areas that will affect the people in my bailiwick. I do feel that we are prepared to carry as large a tax load as necessary in order to provide for the essential public services. However, I do want to call to the attention of the delegates that we have been pledged to take a load off of the property tax. Certainly I do hope that in your consideration, that in your vote you will factor in the responsibility that you have as delegates to take into consideration the other areas the question of taking the load off the property holders. I could not go back to my people in good conscience, and I don't think any delegate could go back to their constituency if they supported this substitute and had not supported other proposals or amendments that would take the load off the property tax. Specifically, I speak of the income tax on a statewide level with the proper return to the community. As I say, I reluctantly oppose this proposition, placing my confidence in the delegates, that they will take care of the other matters that they should take care of, and not act upon this and then close their eyes to the conditions that they create further down the road.

PRESIDENT NISBET: The Chair recognizes Mr. Gover.

MR. GOVER: Mr. President, fellow delegates, I just want to make a short statement. I won't take much of the 5 minutes. I want to call attention to the fact that most of the people who have been talking in opposition to the 15 mills are the ones that won't be affected at all by it because they live in cities with charter amendments. Therefore, they won't be affected at all on that situation. It is us in the rural areas that are affected by the 15 mills.

PRESIDENT NISBET: Mr. Goebel.

MR. GOEBEL: Mr. President and members of the convention, may I say that it just so happens, unfortunately, that a great many of the sacred cows which are associated with this constitution are in the finance and taxation section, and the 15 mill tax limitation is one of these sacred cows. Now this substitute that the committee is offering does provide for these people who feel that property taxes are too high as they are, and desire the 15 mill tax limitation. I submit to you that I am very much afraid that if we do not have this in the new constitution that we shall have greater opposition to it. On the other hand, it does give latitude to these political subdivisions to go up to 18 mills, for the 3 political subdivisions, in the case that the people themselves desire to do so. Now, if they want to go above 18 mills they can do that. If the people themselves want to tax themselves on property over 18 mills or 15 mills, they can do it by a vote of the people themselves in their county.

I submit to you that I think this is as flexible as we can make it; as it can be, because in the final analysis, the people themselves can change this if they want to. There is no hamstringing of the fiscal or tax program of any county by the adoption of this substitute and I certainly, as a member of the committee on finance and taxation, respectfully urge your approval of this substitute.

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: Mr. President, fellow delegates, I want to correct Mr. Gover's statement. I couldn't let that go unchallenged. It certainly does affect us in cities. The 15 mill limitation has to serve to take care of not only the counties, also the schools, the townships, or in the case of the city of Detroit the library also gets a share of that 15 mills. At the time that we adopted the committee proposal as it is now

before us, there was a thrill of something different in this convention, and I would like to see that we could maintain that feeling of something new and something different, something hopeful for the state of Michigan in the field of finance. I urge you to vote against the substitute. Thank you.

PRESIDENT NISBET: The time limit has expired. The question now is on the substitute for Committee Proposal 56. The yeas and nays have been demanded. Those in favor of the substitute for Committee Proposal 56 will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the votes.

The roll was called and the delegates voted as follows:

Yeas — 95

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

Nays — 35

Austin	Hart, Miss	McLogan
Baginski	Hatcher, Mrs.	Murphy
Balcer	Hodges	Norris
Binkowski	Hood	Pollock
Bradley	Jones	Snyder
Buback	Krolkowski	Stopezynski
Cushman, Mrs.	Lawrence	Suzore
Douglas	Lesinski	Walker
Downs	Madar	Wilkowski
Elliott, Mrs. Daisy	Mahinske	Young
Follo	McCauley	Youngblood
Garvin	McGowan, Miss	

SECRETARY CHASE: On the adoption of the substitute offered by the committee on finance and taxation, the yeas are 95; the nays are 35.

PRESIDENT NISBET: The substitute is adopted. The question now is on the substitute for Committee Proposal 56. Will you clear the machine? Those in favor will vote aye. Those opposed will vote nay.

MR. AUSTIN: Mr. President.

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Parliamentary inquiry. Didn't we just vote on this? The substitute is the entire proposal, is it not?

PRESIDENT NISBET: Mr. Chase will explain.

SECRETARY CHASE: Mr. Brake had offered a substitute, which on a record roll call vote was adopted. Now the question is upon the passage of the complete substitute for Committee Proposal 56. It is a record roll call vote, and now to be taken.

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

The roll was called and the delegates voted as follows:

Yeas—100

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Blandford	Howes	Romney
Bledsoe	Hoxie	Rood
Bonisteel	Hubbs	Rush
Boothby	Hutchinson	Sablich
Bradley	Iverson	Seyferth
Brake	Judd, Mrs.	Shackleton
Brown, G. E.	Karn	Shaffer
Butler, Mrs.	Kelsey	Shanahan
Conklin, Mrs.	King	Sharpe
Cudlip	Kirk, S.	Sleder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Kuhn	Staiger
DeVries	Lawrence	Stamm
Donnelly, Miss	Leibbrand	Sterrett
Doty, Dean	Leppien	Stevens
Doty, Donald	Liberato	Thomson
Durst	McAllister	Turner
Elliott, A. G.	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Mosier	Van Dusen
Farnsworth	Nisbet	Wanger
Figy	Page	White
Finch	Perlich	Wilkowski
Gadola	Perras	Wood
Gobel	Plank	Woelfenden
Gover	Powell	Yeager
Habermehl		

Nays—30

Austin	Hart, Miss	McGowan, Miss
Baginski	Hatcher, Mrs.	Murphy
Balcer	Hodges	Norris
Binkowski	Hood	Pollock
Buback	Jones	Snyder
Cushman, Mrs.	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Young
Garvin	McCauley	Youngblood

SECRETARY CHASE: On the passage of the Substitute for Committee Proposal 56, the yeas are 100; the nays are 30.

PRESIDENT NISBET: The substitute for **Committee Proposal 56** is passed.

Following is explanation of vote submitted by Messrs. Kelsey, Liberato and Rush:

We wish to state the following reasons for voting in favor of Committee Proposal 56:

This proposal retains the 15 mill tax limitation which means that no political subdivision can raise the property tax levy above the 15 mill limitation for the support of counties, townships and school districts without first obtaining a vote of a majority of the voters in their respective subdivisions, because this is a basic principle of democracy where the people themselves have the right to govern the rate of taxes they wish to pay for these services. We, also, for reasons of consistency, supported this proposal because we were opposed to allowing one municipality from imposing an income tax on the residents of another community without their approval, and in fact, we felt a nay vote on this proposal would in principle support the theory of taxation without representation.

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

Following is Committee Proposal 56 as amended and rereferred to the committee on style and drafting:

Sec. a. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes levied against 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 the townships and 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 or by county vote may be increased to an aggregate of not to exceed 50 mills 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 a majority of the qualified electors, as defined in Article II hereof, of any such taxing authority voting thereon.

The foregoing limitations shall not apply to (a) taxes levied 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 without limitation as to rate or amount, or (b) taxes levied 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.

In any school district which extends into 2 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.

SECRETARY CHASE: Item 5 on your calendar, **Committee Proposal 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.

Following is Committee Proposal 38 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 794.):

Sec. a. All SPECIFIC taxes, EXCEPT GENERAL SALES AND USE TAXES AND REGULATORY FEES, imposed [directly or indirectly upon gasoline and like] ON fuels sold or used to propel motor vehicles upon [the] highways [of this state,] and on [all] REGISTERED motor vehicles [registered in this state,] shall, after the payment of the necessary COLLECTION expenses [of collection thereof,] be used exclusively for highway purposes[,] as defined by law[,] : [including the payment of public debts incurred therefor, and shall not be diverted nor appropriated to any other purpose: Provided, The legislature may provide by law a method of licensing, registering, and transferring motor vehicles and their certificates of title, and licensing and regulating motor vehicle dealers and operators; and may prescribe charges sufficient to pay for the enforcement thereof. The provisions of this section shall not apply to the general sales tax, the use tax, the fees and taxes collected under the auto theft and operators' and chauffeurs' license laws which are used for regulatory purposes; the application fees and mileage fees appropriated to the Michigan public service commission by law; the franchise or privilege fees payable generally by corporations organized for profit; nor to ad valorem taxes payable generally by manufacturers, refiners, importers, storage companies, and wholesale distributors on gasoline and like fuels held in stock or bond, and by manufacturers and dealers on motor vehicles in stock or bond.]

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

PREAMBLE

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

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
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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

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1. Qualifications	58a
2. Legislature may exclude certain persons from voting	58b
3. Presidential electors, residence	58c
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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

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2. Division of Powers	21a
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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

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31	44.	Jury in civil cases	99a
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33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
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37	50.	Atomic energy	127a
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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII EDUCATION

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

Article VIII Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

ARTICLE IX FINANCE & TAXATION

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

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

VICE PRESIDENT HUTCHINSON: Mr. Haskell.

MR. HASKILL: Mr. President and delegates, I want to urge you to vote against this amendment. I feel that if the people in the cities and in some areas of our state need to raise more money from taxes, possibly they can do it from more equalization or a higher valuation of their property if they wish to do so.

I am wondering what they are thinking about: the whole out-state area — businessmen, farmers, retired people. We have a number of people today that are living on beyond the 60, 65 and 70 year age with this — retired — this being caught in these higher property tax values, the assessment that is moving on up. In the county north of me, we have farmers up there this year with 160 acres that are paying \$1,500 property taxes and that is figured at about 50 per cent of the cash value. Now if we move this to 70 or we move to 100, are we going to confiscate the property?

I have talked to a number of business men up and down in my town — hardware men, clothing store men — on this personal property tax in their area. They say that if it continues, within a few years it is going to lick them.

I think we have got to come up with some other method of taxation, of raising taxes, to support these schools and local government. And I don't think it is on property. There was a time years ago when property realized a value. It meant a value. It meant income. Today, property, so far as whether it is a farm — you might have it out here — or whether it is a business in town, unless it is labor, unless you are working it —

VICE PRESIDENT HUTCHINSON: The time is up. Time for debate has expired. The question is upon the amendment offered by Mr. Allen and Mr. Stevens, which has been read. The yeas and nays have been demanded and ordered. All of those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—58

Allen	Elliott, Mrs. Daisy	McLogan
Andrus, Miss	Faxon	Murphy
Austin	Follo	Nord
Balcer	Ford	Ostrow
Barthwell	Garvin	Pellow
Bentley	Greene	Perlich
Binkowski	Hanna, W. F.	Pollock
Bledsoe	Hart, Miss	Rajkovich
Bradley	Hatcher, Mrs.	Richards, L. W.
Brown, T. S.	Heideman	Romney
Buback	Hodges	Sablich
Butler, Mrs.	Jones	Snyder
Cushman, Mrs.	Lesinski	Staiger
Dade	Madar	Stevens
Danhof	Mahinske	Stopczynski
DeVries	Marshall	Suzore
Douglas	Martin	Tubbs
Downs	McCauley	Van Dusen
Durst	McGowan, Miss	Young
Elliott, A. G.		

Nays—68

Anspach	Hannah, J. A.	Plank
Baginski	Haskill	Powell
Batchelor	Hatch	Prettie
Beaman	Higgs	Pugsley
Bonisteel	Howes	Radka
Boothby	Hoxie	Richards, J. B.
Brake	Hubbs	Rood
Cudlip	Hutchinson	Seyferth
Dehnke	Iverson	Shanahan
Dell	Karn	Sharpe
Donnelly, Miss	Kelsey	Sleder
Doty, Dean	Kirk, S.	Spitler
Doty, Donald	Knirk, B.	Stafseth
Erickson	Koeze, Mrs.	Thomson
Everett	Krollkowski	Turner
Farnsworth	Kuhn	Tweedie
Figy	Leibrand	Upton
Finch	Leppien	Wanger
Gadola	McAllister	White
Goebel	Millard	Wood

Gover
Gust
Habermehl

Mosier
Page
Perras

Woolfenden
Yeager

SECRETARY CHASE: On the amendment offered by Messrs. Allen and Stevens, the yeas are 58; the nays are 68.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

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

1. Amend article IX, section 6 (second column, lines 57 and 58) after "township or" by striking out "other"; and after "charter" by inserting "or other"; so the language will read: . . . or to taxes imposed for any other purpose by any city, village, charter county, charter township or charter or other authority the tax limitations of which are provided by charter or by general law.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Hanna. Mr. Van Dusen, do you want to make a preferential motion?

MR. VAN DUSEN: May I ask Mr. Hanna approximately how long he thinks this amendment will require?

MR. W. F. HANNA: I would hope about 2 minutes.

MR. VAN DUSEN: Mr. President, I would move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor will say aye. Opposed, no. The motion prevails. It is so ordered. Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, while working through this article in style and drafting, I found what I believe to be a definite conflict and have called this to Mr. Brake's attention. You will notice that in the first instance we have limited the tax to be imposed upon real and personal property to 15 mills. We have then gone on and provided that you may increase the millage to 18 mills for townships, counties and school districts.

Now, there are authorities which heretofore have had to look for any millage allocated them by general law to the 15 mills and, as tax and finance has drafted this, I cannot figure out any way that these authorities are within the allocation after the county becomes an 18 mill county. There is no provision here for the allocation out of the 18 mills, except for counties, for townships and for school districts. Now these authorities then are without millage because they could not come within the 18, as it is herein drafted, and they were previously under the 15, and general law may give them, if they so are constituted, sometimes up to one mill.

I think it was the intent of taxation and finance to exempt from the limitations these charter authorities, and I think when they used the term they were talking about all forms of metropolitan authorities, whether they were actually charter authorities or merely law authorities. And some of them are authorities that may be incorporated by joint action of legislative bodies and do not have a charter, as such, to be adopted. My amendment would simply insert that these authorities, whether charter or otherwise, would be exempt from the millage limitation and, thus, would make the 18 mill and the 15 mill limitation work for counties, townships and school districts. I ask that you consider this amendment and adopt it.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I am inclined to agree with Mr. Hanna's analysis of this situation and, therefore, urge a yes vote on his amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Hanna, which has been read. All those in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will report the next amendment.

SECRETARY CHASE: Messrs. Powell, Rush, Rood, J. B. Richards, McAllister, Turner, Yeager, Knirk, Hoxie, Batchelor, Sharpe, Howes, Prettie, Wood, Haskell, Gover, Finch, Shanahan, Figy and Kirk offer the following amendment:

1. Amend article IX, section 6 (column 2, line 38) after "50 mills" by striking out the comma and "or more if provided by law,"; so the language will then read:

The limitations established by this constitution or by county vote 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. . . .

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I do this with some trepidation because I hope to speak on this amendment, but I move to limit debate to 10 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 10 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. The debate is limited. The Chair recognizes Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, this 15 mill provision has gone through quite a lot of vicissitudes. You will remember, the committee on finance and taxation worked diligently on it and brought in a new version of it which we discussed at length. And then we adopted the Turner amendment, which reinserted the existing provision. Then, right out of a clear sky, we adopted the McCauley amendment, which left the whole problem up to the legislature. Then, when the thing came before us on second reading, the committee on finance and taxation brought in a substitute for the proposal and in that, with reference to the maximum of 50 mills, they added "50 mills on each dollar of such valuation, except as otherwise provided by law."

I confess I didn't notice those words or think much about them. We adopted it rather speedily and it came to us in style and drafting, and there the words were somewhat modified: instead of being "except as otherwise provided by law," they were relocated in the line above and changed to read, "or more if provided by law," which, of course, made the meaning more obvious to all of us, as to the fact that we were taking off any definite maximum here from the provision.

I think there is general agreement among all of us as to the seriousness of the general property tax situation as it exists over the state today. Remember that we now propose to permit non-property owners to vote to raise the tax limitation up to 50 mills — which is, of course, 5 per cent — for as long as 20 years as the result of one election. And that extra millage can be renewed for repeated periods. We have had this 50 mill top ceiling in our 15 mill limitation for over 29 years and I feel that it should be continued. Before it is forgotten, may I demand a record roll call on this amendment?

VICE PRESIDENT HUTCHINSON: On the amendment Mr. Powell demands the yeas and nays. Is the demand supported? A sufficient number up. The yeas and nays are ordered. The Chair next recognizes Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, I rise briefly to support the amendment that is now before you. I would like to just do a brief arithmetic lesson for you: now, "50 mills," what does it mean? It simply means that if you adopt this amendment that you will have at any one time a 50 mill limitation that can be levied against your property in any one year. Now what is 50 mills? Well, 50 mills, my friends, is \$50 per \$1,000 of state equalized valuation. Now you might get your tax receipt out and you might find that your property is valued at \$2,000 and you might say: oh well, they have a \$100 limit on it, then. But that just isn't so, because you might be in an area that is only assessing at $\frac{1}{2}$ of state equalized and you might then find that your tax bill would be a maximum of \$200.

Now, let's state it a different way; let's state it a different way: you get to be 65 years of age and you are going to retire and you have your home paid for and you have a 50 mill limitation. What you are saying is that the taxing authorities then can tax in 20 years, between the time you are 65 and you are 85, they can totally tax your property away from you. You have to buy it back again in a 20 year period. Now if you don't have the amendment, if you don't have the amendment they can go right on up and up and up, and they might have you buying that property back between the age of 65 and 75.

So remember the arithmetic. If you adopt the amendment and you have a 50 mill limitation, they can tax only to the extent

that you have to buy your property back once every 20 years. I am very much for the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I would speak very briefly on this. All that the provision, "or more if provided by law," does is to permit the legislature, in the event that experience deems it desirable, to lift this ceiling. This is a little bit of flexibility. The legislature is not likely to do it unless the circumstances literally demand it. The pressure which would be brought upon the legislature to retain the 50 mill ceiling would, I am sure, be significant, if not overwhelming. But if the fiscal situation of local units of government became such that an increase in the 50 mill ceiling were clearly in the best interest of the people of this state, I think the legislature should have the right to increase that ceiling. That is all that the present provision does: it permits the legislature to do so if, in its wisdom, it sees fit to.

I think the provision should be left as it is. I think the amendment should be defeated.

VICE PRESIDENT HUTCHINSON: Mr. Turner.

MR. TURNER: Mr. President and ladies and gentlemen, this phrase, "or more if provided by law," could defeat the purpose of this limitation. It has been admitted many times that real estate is carrying all the tax load that it possibly can. Taxes upon real estate, and especially upon farms, have no relationship whatever to the ability to pay.

Let's examine what has been happening: in 1940 the state was paying about 60 per cent of the operational costs of our schools, leaving about 40 per cent to be borne by the local property. Today that practically has been reversed: the state is now paying just a little over 40 per cent, while local property is carrying nearly 60 per cent. At the same time the operational cost of our schools has skyrocketed.

If real property is asked to carry an ever increasing proportion of the operational expense of our schools then the property owners, out of sheer self protection, will be forced to vote down more and more bond issues for building purposes. This could easily jeopardize our school building programs. With an ever increasing number of students and the need for better education for our young people, our school costs are bound to go up and, at the same time, taxes upon real estate in many areas have reached confiscatory proportions. Elderly people with fixed incomes are finding it increasingly more difficult to pay the taxes on their homes. The 50 mill limitation is a must, and the phrase, "or more if provided by law," should be eliminated.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen, I rise principally to protest that this is one instance — there have not been many — where style and drafting made a substantive change in the language and in the meaning. Now this amendment, "except as otherwise provided by law," I think was put in on the floor, not in the committee on finance and taxation. That means that the legislature could raise the 50 mill limitation or put it down. You could go either up or down. Style and drafting has said you can only go up. That certainly is a substantive change and the very least that we should do here is to go back to the language that we had before style and drafting changed it.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I wish to speak in opposition to this amendment, because I think we ought to put this matter in perspective. What we are saying is that the legislature may, in its wisdom, give the people at the local level the right to vote for higher millage. Now it would appear to me that this is certainly not too much to ask. We are not talking about unvoted millage. We are talking about the amount of millage that the people at the local level may vote for themselves, and I see no reason why we should not let the legislature give the people the right to vote on an increase in millage if they desire to do so. I am heartily opposed to this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment offered by Mr. Powell and others, which has been read. The yeas and nays have been demanded and have been ordered. All of those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted?

Proposal 36, which on April 19, as shown on page 1052 of the journal, was stricken and defeated by a vote of 71 to 46. For that reason I do not believe the amendment is now in order. I recognize that there is a slight difference in the wording but I don't think there is any difference in the substance and I think that under the rules there is no question but what this is out of order.

MR. AUSTIN: Mr. President, may I speak to the point of order?

VICE PRESIDENT HUTCHINSON: You may speak to the point, Mr. Austin.

MR. AUSTIN: At the time the committee proposal was presented to the floor, we had abolished the state aid fund, the school aid fund, as it was called at that time, and we have now, under the amendment which was adopted on the floor, provided for a school aid fund to which certain taxes are to be contributed and to which the legislature may contribute other dedicated revenues through legislation. This merely provides that this is another source of revenue to be contributed to that particular fund. I submit that this is a different proposition.

MR. VAN DUSEN: Mr. President, Mr. Austin is in error when he says that we had at that point abolished the school aid fund. On page 1046 of the journal, we adopted Committee Proposal 39, which said, "There shall be established a state school aid fund" — adopted a substitute for it which made that provision.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen, will you cite again your reference with regard to what was before the body before? Page what?

MR. VAN DUSEN: Page 1052, Mr. President, of the journal, April 19, Committee Proposal 36. An amendment was offered by Mr. Brake, on behalf of the committee on finance and taxation, to strike out the entire proposal, which was substantially the same as the language now offered by Mr. Austin, and that amendment carried 71 to 46. So that Mr. Austin now proposes to insert in the constitution that which was stricken on second reading.

VICE PRESIDENT HUTCHINSON: Mr. Austin, will you accept the point of order?

MR. AUSTIN: Yes.

VICE PRESIDENT HUTCHINSON: All right. Mr. Austin accepts the point of order and withdraws his amendment. The secretary will read the next amendment.

SECRETARY CHASE: I have no other ones.

VICE PRESIDENT HUTCHINSON: No other amendments? The question is upon the passage of article IX, as amended.

MR. VAN DUSEN: Mr. President, if there are no further amendments, I would like to move to limit further debate on this article to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate upon the article to 5 minutes. All those in favor will say aye. Opposed, no.

The motion prevails. Debate is so limited. Mr. Austin.

MR. AUSTIN: Mr. President, this may be unfair because I have a 5 minute speech here.

VICE PRESIDENT HUTCHINSON: You are recognized, Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, the committee on finance and taxation worked very hard to develop what is now article IX. There have been many developments on which there is substantial bipartisan support: I would like to call attention to the removal of the prohibition to taxation by reference to other legislation which permits the freedom to piggyback to other forms of taxation. There has been some relaxation of the 15 mill limitation. We have raised the debt limit. We have provided for refunding of the Mackinac bridge bond issue. We have provided for pensions, recognized the obligation to fund these pension funds properly for public employees. We have also relaxed the restrictions on the investment of pension and trust funds. We have updated the language and the style of the section and we have even done something for nonprofit corporations in providing exemptions for them.

Much of this good work has been offset by what I consider to be some blinders that we put on in regard to giving the legislature more freedom in the area of taxing power. We have placed a restriction on assessment of tangible property to 50 per cent of

the cash value of that property. I don't believe there is any need at this time to elaborate on the great harm that this 50 per cent of cash value standard does to many areas of our state. We have retained the uniformity clause for assessment of property, not giving the local units of government or the legislature the right to classify any of the property. We have provided a prohibition to a graduated income tax which, in the long run, may do great harm in restricting the legislature in its ability to raise sufficient revenues from any income tax levy, should it ever desire to impose such a levy. We have removed a good deal of the earmarking of taxes for schools. Just a few moments ago we restored the earmarking of 1/2 of the sales tax for schools but we have not restored the earmarking of the taxes now contributing to the primary school interest fund.

Throughout the deliberations, the committee has not responded to the pleas of those of us from the more populous areas, our pleas for more freedom to levy taxes because so much of the property is now being pulled off the tax rolls and because of the general inadequacy of the property tax as a major source of revenue at the local level. There is a need for more revenue and there is more need for flexibility in levying property taxes.

I think one of the most unfortunate situations that has developed here at the convention is that a good deal of the decisions in regard to some of these major issues in regard to taxation were not deliberated in the committee on finance and taxation. Decisions were made off the floor in connection with a proposition which has been mentioned very often here on the floor. I think that we would have had a happier situation had the leadership, the minority leadership, been consulted on some of these major changes. I was informed today that the minority leadership has been consulted on only one issue before this convention since February, and that was on the parimutuel issue.

I submit that there are a good number of other issues particularly the issues of taxation —

VICE PRESIDENT HUTCHINSON: Time.

MR. AUSTIN: Thank you. I urge the defeat of this article.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article IX, finance and taxation, as amended. Time for debate upon it has expired. All those in favor of the passage of article IX — for what purpose, Mr. Wanger?

MR. WANGER: How many other speakers were there seeking recognition?

VICE PRESIDENT HUTCHINSON: There wasn't anyone.

MR. WANGER: I see. Mr. President, I wish to announce my intention to abstain for the purpose of forcing a reconsideration of the Bentley amendment. I urge others to do likewise.

VICE PRESIDENT HUTCHINSON: Mr. Wanger abstains. The question is upon the passage of article IX, finance and taxation, as amended. All those in favor of the adoption of article IX 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—90

Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettie
Batchelor	Heideman	Radka
Beaman	Higgs	Rajkovich
Bentley	Howes	Richards, J. B.
Boothby	Hoxie	Richards, L. W.
Brake	Hutchinson	Romney
Brown, G. E.	Iverson	Rood
Butler, Mrs.	Judd, Mrs.	Seyferth
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Shanahan
Danhof	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Spitler
Donnelly, Miss	Krolikowski	Stafseth
Doty, Dean	Kuhn	Stalger
Doty, Donald	Lawrence	Stamm
Elliott, A. G.	Leibrand	Sterrett
Erickson	Leppien	Stevens
Everett	Mahinske	Suzone
Farnsworth	Martin	Thomson

Figy	McAllister	Tubbs
Finch	McCauley	Turner
Gadola	McGowan, Miss	Tweedie
Goebel	Millard	Van Dusen
Gover	Mosler	White
Gust	Page	Wilkowski
Habermehl	Perras	Wood
Hanna, W. F.	Plank	Woolfenden
Hannah, J. A.	Pollock	Yeager

Nays—36

Allen	Downs	Nord
Austin	Elliott, Mrs. Daisy	Norris
Baginski	Faxon	Ostrow
Balcer	Follo	Pellow
Binkowski	Ford	Perlich
Bledsoe	Hart, Miss	Sablich
Bradley	Hatcher, Mrs.	Snyder
Brown, T.S.	Hodges	Stopczynski
Buback	Jones	Upton
Cushman, Mrs.	Lesinski	Walker
Dade	Madar	Young
Douglas	Marshall	Youngblood

SECRETARY CHASE: On the passage of article IX, as amended, the yeas are 90; the nays are 36.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article IX**, as amended, is passed.

For sections 1, 2, 3, 5, 7, 8, 9, 10, 12 through 17 and 20 through 24 of article IX as passed, see above, page 3067.

Following is section 4 of article IX as amended and passed:

Sec. 4. Property owned and occupied by a non-profit religious or educational organization and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Following is section 6 of article IX as amended and passed:

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. The limitations established by this constitution or by county vote 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 Article II, Section 6 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 or charter 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.

Following is section 11 of article IX as amended and passed:

Sec. 11. There shall be established a state school aid fund. The legislature shall provide moneys for this fund, including one-half of all sales tax revenues on tangible personal property as part of the dedicated tax revenues,

which shall be used exclusively for the support of public education and school employees' retirement systems. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Following is section 18 of article IX as amended and passed:

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.

Following is section 19 of article IX as amended and passed:

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.

Following is explanation of vote submitted by Mr. Upton:

I voted no on article IX — the finance and taxation article in the firm belief that the action taken by the convention in reinserting earmarking of sales tax funds for public education was not for the best interest of our state and public education. Michigan constitutionally earmarks over 60 per cent of its revenues — more than any other state and a definite impediment to overall tax reform. This action by the convention removes at least \$200 million from the general fund — money which is lost to control by the legislature and also to the attention of all citizens of Michigan. The legislature has proven that it can appropriate money from the general fund for the support of public education. In my estimation, public education could receive more attention and understanding from a legislature not handicapped by earmarking. We have not asserted the leadership in this vexing problem as the citizens of Michigan could and should expect of their constitutional convention delegates.

Following is explanation of vote submitted by Messrs. Austin, Bradley, Follo, Ford, Sablich, Norris, Nord, Douglas, Bledsoe, Downs, Youngblood, Young, Madar, Stopczynski, Baginski, Binkowski, Faxon, Walker, Jones, Mrs. Hatcher and Mrs. Daisy Elliott:

We have been compelled to vote no on article IX because we believe the convention dissipated a grand opportunity to provide the framework for an improved tax structure and true fiscal reform for the state of Michigan.

Admittedly there are many of the changes in the article that are highly desirable and represent substantial improvement in the present document. Such changes include removal of the prohibition on taxation by reference to other legislation, relaxation of the so called 15 mill limitation, raising of the debt limit for borrowing for current purposes, refunding of the Mackinac bridge authority bond issue, recognition of the obligations in connection with pension requirements for public employees, relaxation of restrictions on investment of pension and other trust funds, and general updating of the language and style of the article in the present constitution.

Much of the good work of the convention has been offset by a refusal of the majority to recognize the need for relaxing restrictions on taxing powers of the legislature and local units of government. Indeed, some of the provisions written into the new document amount to further restriction of taxing powers.

There has been included a provision requiring that property be assessed for ad valorem taxation at 50 per cent of its value. The present constitution provides for assessment at 100 per cent cash value. Inclusion of the 50 per cent standard

is an unnecessary restriction on the legislature to set limits for such taxation and will do grievous harm to the cities, townships, counties and school districts in the more populous areas. The lost revenue may have to be secured by increases in taxes on homes.

The prohibition of a graduated income tax is also an unnecessary restriction on the power of the legislature to raise sufficient revenues to pay the cost of government. No delegate would advocate that the legislature levy an income tax in any form. This matter should be left entirely to the legislature. However, once the legislature has decided to embark on an income tax program it should have the freedom to levy the tax in any form it desires.

Earmarking of gas and weight taxes for highways has been continued intact. But a portion of the earmarking of taxes for schools has been removed, thereby reducing the minimum base of support for schools. This action on the part of the majority is indefensible.

Throughout its deliberations the convention has failed to respond to the pleas of delegates representing the more populous areas for relaxation of taxing powers at state and local levels. Additional revenues are needed because the present sources, particularly the property tax, have proved inadequate for present needs.

It is with deep regret that we feel compelled, therefore, to vote against the new article IX.

Following is explanation of vote submitted by Mrs. Cushman:

While there are a number of improvements in article IX, the complete article does not, in my opinion, form the basis for an adequate system of financing the state of Michigan.

I object especially to the continuation of earmarking a great share of the state's revenues, the rigidity of a 50 per cent assessment level restriction, the modified 15 mill limitation, and prohibition of a graduated rate income tax.

I am pleased with the continuation of protection for school bond issues, relaxation of the debt limit, and, in the local government article, the strengthened tax powers of cities.

On the whole, however, the weaknesses of article IX overbalance the strengths.

VICE PRESIDENT HUTCHINSON (continuing): The Chair recognizes Mr. McAllister.

MR. McALLISTER: Mr. President, I would like to make a few remarks. This morning when we gave credit and recognition to the staff, attention was directed primarily to the gallery rather than to the control tower. At this time, on my own behalf — and I am taking the liberty to do so on behalf of the other delegates — I would like to compliment the podium staff for their having so ably surrounded and kept Mr. Chase in good humor and for having worked so diligently around the clock to make a record of this convention and get the journal out on time. I understand that many of these people have worked as late as 3:00 or 4:00 o'clock in the morning on occasions and then have got back here at 8:30 or a quarter to 9:00. I believe we should give these folks a rising vote of thanks for their part in this convention.

[Whereupon, the delegates accorded the secretary's staff at the rostrum a standing ovation.]

VICE PRESIDENT HUTCHINSON: If it weren't for the secretary's staff, I am sure that this convention couldn't operate at all. Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I think while we are commending all of the staff — and I am in complete accord with that — I think we ought to find out between now and Friday who did the least talking and I can assure you it will not be me, but we ought to find out who did the least talking in this convention and all of us give him a standing ovation on Friday. (laughter)

VICE PRESIDENT HUTCHINSON: Third reading. The secretary will read article XI.

SECRETARY CHASE: Article XI, public officers and employment.

[Article XI, sections 1 through 15, was read by the secretary. For text, see above, page 3070.]

VICE PRESIDENT HUTCHINSON: Article XI has been read a third time. The question being upon the passage of the article, the secretary will report the first amendment.

SECRETARY CHASE: Messrs. King, Martin, Durst and Wanger offer the following amendment:

1. Amend article XI, section 8 (column 1, line 7) after "budget," by striking out the balance of the section and inserting "The legislature is not required to appropriate additional funds to meet the cost of such increases if in its judgment they should be met by a reduction in force or other economies by the various state agencies."

MR. VAN DUSEN: Mr. President

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I move to limit debate on this amendment to 10 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon this amendment to 10 minutes, those in favor will say aye. Opposed, no. That was kind of a weak support. All those in favor will say aye. The opposed will say no.

The motion prevails. Debate is so limited.

MR. HATCH: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hatch.

MR. HATCH: I rise to a point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: State the point.

MR. HATCH: On April 25, in Journal 128 on page 1119, the convention, on second reading, adopted the amendment which presently appears in section 8. I call the Chair's attention to section 398, paragraph one, of Mason's rules which provide that, "An amendment, once adopted, may not thereafter be changed or modified, except by reconsideration of the vote by which it was adopted." I therefore make the point that this amendment does change and modify an amendment previously adopted and that the amendment is not in order.

VICE PRESIDENT HUTCHINSON: Do you wish to speak to the point, Mr. King?

MR. KING: Yes, I do. Mr. President and fellow delegates, it would seem as though we have extended the wisdom of Mr. Mason to the stretching point — to the breaking point perhaps. First of all I would point out — and I am sure that all of us are well aware of that fact — that this is a constitutional convention. The very reason for having 3 separate and distinct readings of these proposals is to provide an opportunity to go back and look over what we have done on prior readings, to view the whole constitution in its proper context, perhaps even to subject ourselves to public opinion and perhaps revise our thinking on certain subjects. Surely, if we should accept this as a controlling rule upon this body, it might well be a good idea to move to suspend third reading, for what point is there in third reading? It seems perfectly obvious to me that if the rule has any effect at all — and I seriously question whether it does; but if it has any effect at all, it certainly wouldn't carry over from one reading to another reading.

VICE PRESIDENT HUTCHINSON: Mr. Wanger, do you desire to speak on the point?

MR. WANGER: I do, Mr. President. I would like to first point out that nowhere in the section cited is the categorical statement that it applies to all readings, from one reading to the next. Secondly, I would like to point out that it has obviously been the custom of this convention, the usage of this convention, to disregard this section up until today when some delegates, because of personal motives in connection with amendments which they themselves originally sponsored, now desire to prevent the convention from having any opportunity to consider whether or not those amendments should be modified.

I suggest that under section 39 of Mason's Manual entitled, Precedents and Usages, the precedents which we have adopted in this regard and the usage of the convention in this regard clearly take precedence over any alleged effect that section 398 might have when raised at this very, very late date in the constitutional convention.

Paragraph 4, for example, of section 39 says, "A not inconsiderable part of parliamentary law is based upon the established

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 subdi-
55 | vision 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

1 clerk, a county treasurer, a register of deeds
2 and a prosecuting attorney, whose duties and
3 powers shall be provided by law. The board of
4 supervisors in any county may combine the offices
5 of county clerk and register of deeds in one office
6 or separate the same at pleasure.

7 Sec. 5. The sheriff, county clerk, county treas-
8 urer and register of deeds shall hold their prin-
9 cipal offices at the county seat.

10 Sec. 6. The sheriff may be required by law to
11 renew his security periodically and in default of
12 giving such security, his office shall be vacant.
13 The county shall never be responsible for his acts,
14 except that the board of supervisors may protect
15 him against claims by prisoners for unintentional
16 injuries received while in his custody. He shall
17 not hold any other office except in civil defense.

18 Sec. 7. A board of supervisors shall be estab-
19 lished in each organized county consisting of one
20 member from each organized township and such
21 representation from cities as provided by law.

22 Sec. 8. Boards of supervisors shall have legis-
23 lative, administrative and such other powers and
24 duties as provided by law.

25 Sec. 9. Boards of supervisors shall have ex-
26 clusive power to fix the compensation of county
27 officers not otherwise provided by law.

28 Sec. 10. A county seat once established shall
29 not be removed until the place to which it is pro-
30 posed to be moved shall be designated by two-
31 thirds of the members of the board of supervisors
32 and a majority of the electors voting thereon shall
33 have approved the proposed location in the manner
34 prescribed by law.

35 Sec. 11. No county shall incur any indebted-
36 ness which shall increase its total debt beyond
37 10 percent of its assessed valuation.

38 Sec. 12. A navigable stream shall not be
39 bridged or dammed without permission granted
40 by the board of supervisors of the county as pro-
41 vided by law, which permission shall be subject
42 to such reasonable compensation and other condi-
43 tions as may seem best suited to safeguard the
44 rights and interests of the county and political
45 subdivisions therein.

46 Sec. 13. Two or more contiguous counties may
47 combine into a single county if approved in each
48 affected county by a majority of the electors voting
49 on the question.

50 Sec. 14. The board of supervisors of each
51 organized county may organize and consolidate
52 townships under restrictions and limitations pro-
53 vided by law.

54 Sec. 15. Any county, when authorized by its
55 board of supervisors shall have the authority to
56 enter or to intervene in any action or certificate
57 proceeding involving the services, charges or rates
58 of any privately owned public utility furnishing
59 services or commodities to rate payers within the
60 county.

1 Sec. 16. The legislature may provide for the
2 laying out, construction, improvement and main-
3 tenance of highways, bridges, culverts and airports
4 by the state and by the counties and townships
5 thereof; and may authorize counties to take charge
6 and control of any highway within their limits
7 for such purposes. The legislature may provide
8 the powers and duties of counties in relation to
9 highways, bridges, culverts and airports; may pro-
10 vide for county road commissioners to be appointed
11 or elected, with powers and duties provided by law.
12 The ad valorem property tax imposed for road
13 purposes by any county shall not exceed in any
14 year one-half of one percent of the assessed valua-
15 tion for the preceding year.

16 Sec. 17. Each organized township shall be a
17 body corporate with powers and immunities pro-
18 vided by law.

19 Sec. 18. In each organized township there shall
20 be elected for terms of not less than two nor more
21 than four years as prescribed by law a supervisor,
22 a clerk, a treasurer, and not to exceed four trustees,
23 whose legislative and administrative powers and
24 duties shall be provided by law.

25 Sec. 19. No organized township shall grant
26 any public utility franchise which is not subject
27 to revocation at the will of the township, unless
28 the proposition shall first have been approved
29 by a majority of the electors of such township
30 voting thereon at a regular or special election.

31 Sec. 20. The legislature shall provide by law
32 for the dissolution of township government when-
33 ever all the territory of an organized township
34 is included within the boundaries of a village or
35 villages notwithstanding that a village may in-
36 clude territory within another organized township
37 and provide by law for the classification of such
38 village or villages as cities.

39 Sec. 21. The legislature shall provide by gen-
40 eral laws for the incorporation of cities and
41 villages. Such laws shall limit their rate of ad
42 valorem property taxation for municipal purposes,
43 and restrict the powers of cities and villages to
44 borrow money and contract debts. Each city and
45 village is granted power to levy other taxes for
46 public purposes, subject to limitations and pro-
47 hibitions provided by this constitution or by law.

48 Sec. 22. Under general laws the electors of
49 each city and village shall have the power and
50 authority to frame, adopt and amend its charter,
51 and to amend an existing charter of the city or
52 village heretofore granted or enacted by the legis-
53 lature for the government of the city or village.
54 Each such city and village shall have power to
55 adopt resolutions and ordinances relating to its
56 municipal concerns, property and government,
57 subject to the constitution and law. No enumera-
58 tion of powers granted to cities and villages in this
59 constitution shall limit or restrict the general grant
60 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

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

13 Sec. 1. Amendments to this constitution may
14 be proposed in the senate or house of representa-
15 tives. Proposed amendments agreed to by two-
16 thirds of the members elected to and serving in
17 each house on a vote with the names and vote of
18 those voting entered in the respective journals
19 shall be submitted, not less than 60 days there-
20 after, to the electors at the next general election
21 or special election as the legislature shall direct.
22 If a majority of electors voting on a proposed
23 amendment approve the same, it shall become
24 part of the constitution and shall abrogate or
25 amend existing provisions of the constitution at
26 the end of 45 days after the date of the election
27 at which it was approved.

28 Sec. 2. Amendments may be proposed to this
29 constitution by petition of the registered electors
30 of this state. Every petition shall include the full
31 text of the proposed amendment, and be signed by
32 registered electors of the state equal in number to
33 at least 10 percent of the total vote cast for
34 all candidates for governor at the last preceding
35 general election at which a governor was elected.
36 Such petitions shall be filed with the person au-
37 thorized by law to receive the same at least 120
38 days before the election at which the proposed
39 amendment is to be voted upon. Any such petition
40 shall be in the form, and shall be signed and
41 circulated in such manner, as prescribed by law.
42 The person authorized by law to receive such peti-
43 tion shall upon its receipt determine, as provided
44 by law, the validity and sufficiency of the signa-
45 tures on the petition, and make an official an-
46 nouncement thereof at least 60 days prior to the
47 election at which the proposed amendment is to be
48 voted upon.

49 Any amendment proposed by such petition shall
50 be submitted, not less than 120 days after it was
51 filed, to the electors at the next general election.
52 Such proposed amendment, existing provisions of
53 the constitution which would be altered or abro-
54 gated thereby, and the question as it shall appear
55 on the ballot shall be published in full as provided
56 by law. Copies of such publication shall be posted
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-
59 tain a statement of the purpose of the proposed
60 amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Following is statement of the style and form changes made by the committee on style and drafting from the document as referred to said committee (see above, page 3210) to the document as reported by said committee (see above, page 3214):

arti- cle	sec- tion	changes
I	2	After "because of" strike out "race, color, religion, or national origin" and insert "religion, race, color or national origin".
II	6	After "such election or" insert "electors who are".
III	5	Combine both paragraphs into one.
IV	4	First paragraph, first sentence, after "which it is combined" insert a comma and strike out "upon the effective date of the annexation or merger,"; and in the second sentence, after the first "the" insert "district or"; and after "determined by" strike out "said" and insert "such".
	6	Last paragraph, after "by the commission, and" strike out "may" (in the amendment) and insert "shall".
	12	(In the amendment) after "compensation and" strike out "expenses" and insert "expense allowances"; and after "changes in" strike out "salary or expenses" and insert "compensation or expense allowances"; and after "commence their" strike out "term" and insert "terms".
V	4	Section has been split into 2 sections and reversed in order. The balance of the article has been renumbered.
	25	Renumbered to Sec. 26. First paragraph, after "resignation" strike out the comma; and after "THE ELECTED attorney general" strike out the comma; and in the second paragraph, after "IN" strike out "THE".
	28	Renumbered to Sec. 29. Last paragraph, (in the amendment), after "court" strike out "of the state".
VI	8	After "lines and as" (in the amendment) strike out "near" and insert "nearly"; and after "equal population, as" (in the amendment) strike out "prescribed" and insert "provided".
	26	First paragraph, after "justice of the peace" strike out "shall be" and insert "are".
VII	24	First paragraph, after "own" strike out "and" and insert "or".
	25	Last sentence, after "sell any" strike out "such".
	28	First paragraph, after "two or more counties," strike out "cities, villages, townships or districts," and insert "townships, cities, villages or districts,".
	29	First sentence, after "places of any county," strike out "city, village or township" and insert "township, city or village"; and after "authority of the county," strike out "city, village or township" and insert "township, city or village"; and after "franchise from the" strike out "city, village or township" and insert "township, city or village". Second sentence, after "right of all counties," strike out "cities, villages and townships" and insert "townships, cities and villages".
	30	After "granted by any" strike out "city, village or township" and insert "township, city or village".
	33	Renumbered to Sec. 34. After "concerning" strike out "cities, villages, counties and townships" and insert "counties, townships, cities and villages". (This section had pre-

VIII	2	After "discrimination as to" strike out "race, creed, religion, color or national origin" and insert "religion, creed, race, color or national origin".
IX	4	(In the amendment) after "occupied by" strike out "a"; and after "educational" strike out "organization" and insert "organizations".
	6	First paragraph, at the beginning of the third sentence strike out "The" and insert "These"; and after "limitations" strike out "established by this constitution or by county vote"; and after "constitution" insert a comma.
		Second paragraph, after "charter township" strike out "or" and insert a comma; and after "charter" strike out "or other" (in the amendment); and after "authority" insert "or other authority,".
	10	After "assistance to" strike out "cities, villages and townships" and insert "townships, cities and villages".
	11	Section 11 has been rewritten to conform to other language in finance article. Meaning has not been changed.
	16	Third paragraph, after "28" strike out the comma and insert "of" and after "X" strike out the comma.
		Seventh paragraph, after "28" strike out the comma and insert "of".
X	1	Second sentence (in the amendment) after "every woman" strike out the comma; and after "marriage" strike out the comma; and after "may be dealt with" insert "and disposed of".
	2	The sentence, "Compensation shall be determined in proceedings in a court of record," has been added in lieu of the floor amendment.
XI	6-14	Section numbers 6, 7, 8, 9, 10, 11 and 12 stricken and Sec. 13 renumbered to Sec. 6, Sec. 14 renumbered to Sec. 7.
	7	Old Sec. 7 (paragraph 5 of new section 5), strike out "partisan, racial or religious" and insert "religious, racial or partisan".
	8	Last sentence of old section 8 (paragraph 6 of new section 5), has been moved to second sentence; after "serving in each house, reject" strike out the comma; and in the next sentence, after "CLASSES OF EMPLOYEES" (in the amendment) insert "affected by the increases".
	13	First sentence of old section 13 (new section 6, in the amendment), after "otherwise provided by charter" insert a comma.
	15	Old section 15 transferred to local government article. (section 33 of article VII.)
XII	2	Paragraph 4, first sentence, after "question," strike out "the proposed amendment" and insert "it".
	3	Second paragraph, second sentence, after "vacating the office" insert a period and strike out "if the legislature provides for partisan election of delegates.".
Schedule		After "FOLLOWING SCHEDULE" strike out "IS" and insert "and temporary provisions are"; and after "PERIOD AS" strike out "ITS PROVISIONS REQUIRE" and insert "are thereby required".
	6	Section 6 has been changed somewhat but meaning unchanged; a sentence (not a paragraph) has been added at end of section, incorporating the floor amendment, which sentence reads as follows: "The legislature

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

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

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

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

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

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

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

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

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

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

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

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

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

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

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

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

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

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

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

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

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

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

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

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

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

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

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

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

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

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

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

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

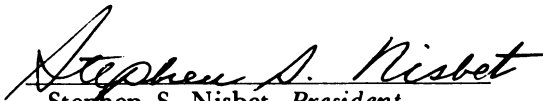
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

The section authorizes the legislature, as does the present constitution, to subject all utilities, and such other businesses as the legislature may designate, to state assessment. It does not require the legislature to do so, however, because the disruption to the tax base of local communities which for over 50 years have been locally taxing electric and gas utilities, for example, would be too great.

Uniformity in the method of utility taxation is facilitated by authorizing such taxation at the average rate of the area in which the property is located, rather than the average state rate.

Limits on ad valorem taxes.

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.

This is a revision of Sec. 21, Article X, of the present constitution which continues in substance the 15-mill limit on property taxes. Statutory county tax allocation boards would be continued as the agencies charged with allocation of the 15 mills among the local units in the county. However, the section does permit the legislature to authorize initiative procedure within a county which would allow a majority of the qualified electors voting thereon to adopt a fixed division of millage among a county, its townships and school districts, the total of which shall not exceed 18 mills. This fixed division and limit voted by the electors would stand until such time as they

change it in another vote. This is simply a "local option" provision which can never be effective without authorization of a majority of the electors in the county affected.

The section continues present provisions which permit the electors of any taxing district to vote additional millage, subject to the present 20-year limit and over-all 50-mill limit. Cities and villages are excepted, as at present, from the 15-mill limit. The exception is also extended to charter townships, and charter counties organized under the terms of this new document. Such units would be subject only to limitations established in their charters or by law.

All bond issues of local units of government will have unlimited tax support.

All electors may vote on millage increases up to and including 5 years for general purposes, but only property owners and their spouses may vote on property tax increase proposals which extend for more than 5 years. Saving provisions are incorporated in the section to protect present voted millage and outstanding bonds.

The final sentence, dealing with multi-county school districts, is intended to answer a problem involving 60 counties of this state. It provides that in any school district which crosses county lines, the tax limitation shall be that applicable in the portion of the school district situated in the county containing the largest portion of the school district.

No graduated income tax.

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

This is a new section making it clear that neither the state nor any local unit of government may impose a graduated income tax. The words "or base" are necessary to prevent "piggyback" taxation based on the federal tax liability. Without such language, a tax nominally imposed at a flat rate might actually adopt all of the graduation of the federal tax.

A flat rate income tax is clearly permitted, and could be imposed on a "piggyback" basis on income computed for federal tax purposes. The legislature could prescribe reasonable exemptions for a flat rate tax.

Sales tax limit.

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.*

This is a revision of a part of Sec. 23, Article X, of the present constitution.

Gasoline and motor vehicle taxes; use; exceptions.

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. *****