

Michigan Constitutional Convention of 1961

Committee Proposal 23b

Const 1963, Schedule, § 14

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3437, 3442-3443, 3472
First Reading	pp. 602-611, 613-622, 631-633, 1569
Second Reading	pp. 2622-2627
Draft Constitution (Schedule, § 15)	pp. 3047-3075 (p. 3074)
Third Reading, Article-by-Article	pp. 3209-3210
Draft Constitution (Schedule, § 15)	pp. 3215-3237 (p. 3237)
Third Reading, Full Constitution	pp. 3294-3301
Adopted Constitution (Schedule, § 14)	pp. 3319-3353 (p. 3352)
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Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
LYNN M. NETHAWAY
Associate Editor

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

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
Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.		Schedule		Schedule		
IX	7		none	51	IX	23	X	17,18	37c ¹	1		S	8	44d
IX	8	X	23	39a	IX	24		none	40	2		S	2,3,4	44b
IX	9	X	11	38						3		S	5	44c,71g
IX	10		none	39a	X	1	XVI	8	63	4		S	6	68b
IX	11	X	23	39b	X	2	XIII	1,2	67	5		VI	1	71a
IX	12	X	22	23a	X	3	XIV	1,2,3,4	12			V	2	80b
IX	13	VIII	10, 15a, 20,24	49	X	4	VI	20	74	6			none	91a
					X	5		none	129	7			none	96f
IX	14	X	10	23b	X	6	XVI	9	43	8		VII	23	96j
IX	15	X	10,20a, 23a,24, 25,26	23b						9		XI	2,6	47
		S	4		XI	1	XVI	2	25	10			none	98c
IX	16	X	27,28	23d	XI	2	XVI	1	61	11*		XI	7,16	71b
IX	17	X	16	37b	XI	3	XVI	3	62	12			none	...
IX	18	X	12	23c	XI	4	X	19	55	13		X	10,20a, 23a,24, 25,26	6
IX	19	X	13	37d	XI	5	VI	22	22			S	4	
IX	20	X	15	37a	XI	6		none	76,81m	14			none	23b
IX	21	X	18	37c,78	XI	7	IX	1,2,3,4	42a,b,c,d	15		S	10	68a
IX	22	VI	20	74						16		S	11	68c
					XII	1	XVII	1	64					
					XII	2	XVII	2,3	65					
					XII	3	XVII	4	66					

Committee Proposal No.	Page	Committee Proposal No.	Page
15: Cont'd.		20.	
Apr. 26, read second time; amended, passed; re-referred to style and drafting	2852-2887	A proposal to provide that no law shall be enacted providing for the penalty of death. Amends article V by adding a new section.	
Apr. 27, reconsidered vote on passage; reconsidered vote on amendment, amendment not adopted; passed; rereferred to style and drafting	2918-2925	For text as offered and reasons	595
16. A proposal to permit the governor to grant reprieves, commutations and pardons and to delegate this power according to law. Amends article VI, section 9.		As referred to style and drafting	595
For text as offered and reasons	579	As reported by style and drafting	2968
As referred to style and drafting	588	As rereferred to style and drafting	2968
As reported by style and drafting	2740	Jan. 11, reported by legislative powers; referred to to committee of the whole	534
As rereferred to style and drafting	2740	Jan. 16, read first time; considered, passed by committee of the whole	595-598
Jan. 10, reported by executive branch; referred to committee of the whole	505	Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611
Jan. 15, read first time; considered, amended, passed by committee of the whole	579-588	Mar. 1, reported by style and drafting (Report 10); placed on order of second reading	1373
Jan. 15, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	588	Apr. 30, read second time; passed; rereferred to style and drafting	2968
Mar. 5, reported by style and drafting (Report 19); placed on order of second reading	1429	21. A proposal pertaining to the division of the powers of government. Amends article IV.	
Apr. 24, read second time; passed; rereferred to style and drafting	2740-2741	For text as offered and reasons	600
17. A proposal respecting eligibility for the offices of governor and lieutenant governor. Amends article VI, section 13.		As referred to style and drafting	600
For text as offered and reasons	591	As reported by style and drafting	2995
As referred to style and drafting	611	As rereferred to style and drafting	2995
As reported by style and drafting	2741	Jan. 12, reported by miscellaneous provisions and schedule; referred to committee of the whole	557
As rereferred to style and drafting	2743	Jan. 16, read first time; considered, passed by committee of the whole	600-602
Jan. 10, reported by executive branch; referred to committee of the whole	505	Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611
Jan. 16, read first time; considered, amended, passed by committee of the whole	591-592	Mar. 5, reported by style and drafting (Report 12); placed on order of second reading	1429
Jan. 16, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	611	Apr. 30, read second time; passed; rereferred to style and drafting	2995-2996
Mar. 5, reported by style and drafting (Report 20); placed on order of second reading	1429	22. A proposal pertaining to state civil service. Amends article VI, section 22.	
Apr. 24, read second time; amended, passed; rereferred to style and drafting	2741-2743	For text as offered and reasons	637
18. A proposal to provide for a great seal of the state and to authorize its use. A substitution for article VI, sections 11 and 12.		For minority report and reasons	640
For text as offered and reasons	593	As referred to style and drafting	715
As referred to style and drafting	593	As reported by style and drafting	2780
As reported by style and drafting	2741	As rereferred to style and drafting	2795
As rereferred to style and drafting	2741	Jan. 12, reported by executive branch; referred to committee of the whole	558
Jan. 10, reported by executive branch; referred to committee of the whole	505	Jan. 16, consideration postponed to Jan. 18 by committee of the whole	602
Jan. 16, read first time; considered, passed by committee of the whole	593	Jan. 18, read first time; considered, amended by committee of the whole	637-657
Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611	Jan. 19, considered, amended by committee of the whole	658-670
Mar. 1, reported by style and drafting (Report 9); placed on order of second reading	1373	Jan. 29, considered, amended, passed by committee of the whole	701-707
Apr. 24, read second time; passed; rereferred to style and drafting	2741	Jan. 29, reported by committee of the whole with 5 amendments; amendments concurred in; referred to style and drafting	713-715
19. A proposal to provide for a state militia. A substitute for all of article XV.		Mar. 22, reported by style and drafting (Report 38); placed on order of second reading	1815
For text as offered and reasons	593	Apr. 25, read second time; amended, passed; rereferred to style and drafting	2780-2796
As referred to style and drafting	593	Apr. 26, motion to reconsider vote on passage; motion postponed	2899-2900
As reported by style and drafting	2996	Apr. 27, motion to reconsider vote on passage defeated	2909-2911
As rereferred to style and drafting	2996	23. A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution.	
Jan. 10, reported by miscellaneous provisions and schedule; referred to committee of the whole	506	For text as offered and reasons	602
Jan. 16, read first time; considered, passed by committee of the whole	593-594	As referred to style and drafting	632
Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611	As reported by style and drafting	2622
Feb. 12, reported by style and drafting (Report 5); placed on order of second reading	955	As rereferred to style and drafting	2627
Apr. 30, read second time; passed; rereferred to style and drafting	2996-2997	Jan. 12, reported by finance and taxation; referred to committee of the whole	558
		Jan. 16, read first time; sections a, b considered; section a amended, passed by committee of the whole	602-611

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

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

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Article IX, Section 12: Cont'd.	
For text as adopted	3345
For text, and comments in address to the people	3400
Section 13. Public bodies, borrowing power. (Committee Proposal 49)	
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	3345
For text, and comments in address to the people	3400
Section 14. State borrowing; short term. (Committee Proposal 23b)	
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	3345
For text, and comments in address to the people	3400
Section 15. Long term borrowing by state. (Committee Proposal 23b)	
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	3345
For text, and comments in address to the people	3400
Section 16. State loans to school districts. Amount of loans. Qualified bonds. Repayment of loans, tax levy by school district. Bonds, state loans, repayment. Power to tax unlimited. Rights and obligations to remain unimpaired. (Committee Proposal 23d)	
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	3345
For text, and comments in address to the people	3401
Section 17. Payments from state treasury. (Committee Proposal 37b)	
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	3346
For text, and comments in address to the people	3401
Section 18. State credit. Investment of public funds. (Committee Proposal 23c)	
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	3346
For text, and comments in address to the people	3401
Section 19. Stock of corporation, interest of state. (Committee Proposal 37d)	
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	3346
For text, and comments in address to the people	3401

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Article IX: Cont'd.	
Section 20. State depositories. (Committee Proposal 37a)	
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	3346
For text, and comments in address to the people	3402
Section 21. Accounting for public moneys. Accounting and auditing for local governments. (Committee Proposals 37c and 78)	
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	3346
For text, and comments in address to the people	3402
Section 22. Examination and adjustment of claims against state. (Committee Proposal 74)	
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	3346
For text, and comments in address to the people	3402
Section 23. Financial records; statement of revenues and expenditures. (Committee Proposal 37c ¹)	
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	3346
For text, and comments in address to the people	3402
Section 24. Public pension plans and retirement systems, obligation. Financial benefits, annual funding. (Committee Proposal 40)	
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	3346
For text, and comments in address to the people	3402
ARTICLE X. Property. (Committee Proposals 12, 43, 63, 67, 74 and 129)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; sections 1 and 2 amended; passed	3149-3154
May 9, referred to committee on style and drafting	3210
May 11, reported; placed on order of third reading; considered read third time; section 2 amended; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3346-3347
For text, and comments in address to the people	3403
Section 1. Disabilities of coverture abolished; separate property of wife; dower. (Committee Proposal 63)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; amended; passed	3149-3154
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	3346
For text, and comments in address to the people	3403
Section 2. Eminent domain; compensation. (Committee Proposal 67)	
May 7, reported; placed on order of third reading	3045

shall not enforce it, nor sit in judgment upon it; that he who enforces a law shall not make or change it nor shall he judge of its violation; and he who sits in judgment shall have neither made the law nor enforced it.

and that this is much accepted in our system.

For the record, I wonder, Mr. Erickson, if by this statement, and in the field of the administrative agencies, if you would care to comment upon what the intention would be with regard to the passage of regulations by such an agency and the subsequent enforcement and judgment of the violation?

CHAIRMAN HUTCHINSON: Mr. Erickson.

MR. ERICKSON: That is a subject that was discussed in committee at considerable length. We even thought that it might be desirable to add another section in there dealing with this administrative law, but we wanted to wait and see what some of the other committees come up with. We knew that legislative powers was discussing it, the executive branch, judicial branch, and also the committee on emerging problems. I think all 4 of them have this problem under consideration. I am reasonably sure that before we get through, somebody is going to come up with something dealing with this problem of administrative law.

CHAIRMAN HUTCHINSON: Are there any amendments to the body of the proposal?

Mr. Stevens.

MR. STEVENS: Mr. Chairman, like Dr. Heideman, I am also an ex teacher of government. Like Dr. Heideman, I am sure this proposal would make it much easier for teachers of government in high schools as well as in colleges and universities to explain the doctrine of separation of powers.

CHAIRMAN HUTCHINSON: Any amendments to the body of the proposal? If not, it will pass.

Committee Proposal 21 is passed.

The secretary will read the next proposal, **Committee Proposal 22**.

Mr. Hatch.

MR. HATCH: Mr. Chairman, the next matter of business before the committee of the whole is Committee Proposal 22, which is a proposal pertaining to the state civil service. There has been filed with the secretary a minority report which did not appear until yesterday in the journal, which I imagine a great number of delegates have not had an opportunity to view as yet.

Based on this fact, and because I feel that this is a matter which should receive the serious deliberation of this body, I would move, as was moved yesterday by Mr. Iverson, that consideration of Committee Proposal 22 in the committee of the whole be postponed until Friday, January 19, 1962.

CHAIRMAN HUTCHINSON: Mr. Hatch moves that further consideration of item 9 on the general orders calendar, being Committee Proposal 22 relative to civil service, be postponed until Friday next.

Mr. Martin.

MR. MARTIN: Mr. Chairman, it is desirable that the delegates have an opportunity, of course, to read the minority report as well as the majority report and the committee, I am sure, has no objection to postponement. But I am wondering whether it is necessary to postpone it that long. I wonder if we couldn't postpone it until, say, tomorrow or Thursday. Mr. Hatch, do you have any special feeling about moving it to Friday?

MR. HATCH: My only thought was that we had postponed this other matter until Thursday, and because that day may be taken up with considerable debate on Committee Proposal 15, Friday might be preferable.

MR. MARTIN: Suppose we postpone it to Thursday. The other matter will take precedence, and if we do get to this, fine; if we don't, we can carry it over until Friday. Would that be satisfactory?

MR. HATCH: In other words, until Thursday, and if we do get to it, fine, but —

MR. MARTIN: I suggest that we postpone it until Thursday. The other matter would take precedence on Thursday, but if there is time to discuss the civil service proposal

we could get started on it and carry the discussion until Friday.

MR. HATCH: I would have no objection to that.

CHAIRMAN HUTCHINSON: Mr. Hatch amends his motion and states it to call for a postponement until Thursday next.

Mr. Downs.

MR. DOWNS: I certainly want to agree with Mr. Hatch, if the delegates want to carry over a minority report for time for the other delegates to speak on it. I also agree with Delegate Martin that Friday is usually not the best day to discuss. I just raise the question, if he would like to take this up tomorrow, or do you feel that would be too soon? I don't feel too strongly about it.

MR. MARTIN: It will be entirely satisfactory with the committee to take it up tomorrow, if Mr. Hatch is ready and feels that his people have an opportunity to look over the minority report.

MR. HATCH: I would prefer Thursday, which would give the usual 3 days from the date of submission.

MR. DOWNS: There is no objection.

MR. MARTIN: That is satisfactory with the committee.

CHAIRMAN HUTCHINSON: Mr. Hatch moves that further consideration of item 9 on the general orders calendar, being Committee Proposal 22, be postponed until Thursday. All those in favor, say aye. Those opposed, no.

The motion prevails.

SECRETARY CHASE: Item 10 on the calendar, from the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 23**, A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution.

Following is Committee Proposal 23 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. [No scrip, certificate or other evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in this constitution.] **NO EVIDENCE OF STATE INDEBTEDNESS SHALL BE ISSUED, EXCEPT FOR SUCH DEBTS AS ARE EXPRESSLY AUTHORIZED IN OR PURSUANT TO THE PROVISIONS OF THIS CONSTITUTION.**

Sec. b. [The state may contract debts to meet deficits in revenue, but such debts shall not in the aggregate at any time, exceed \$250,000. The state may also contract debts to repel invasion, suppress insurrection, defend the state or aid the United States in time of war. The money so raised shall be applied to the purposes for which it is raised or to the payment of the debts contracted. The state may borrow not to exceed \$50 million for the improvement of highways and pledge its credit, and issue bonds therefor on such terms as shall be provided by law.] **THE LEGISLATURE, FOR THE PURPOSE OF MEETING ITS APPROPRIATIONS FOR ANY FISCAL YEAR, MAY BY LAW AUTHORIZE THE STATE TO ISSUE ITS NOTES PLEDGING ITS FAITH AND CREDIT FOR THE PURPOSE OF BORROWING MONEY IN ANTICIPATION OF THE RECEIPT OF ANY UNDEDICATED REVENUES TO BE RECEIVED WITHIN THE SAME FISCAL YEAR WHICH SHALL BE PLEDGED FOR THE PAYMENT OF SUCH BORROWINGS. SUCH BORROWING IN ANY FISCAL YEAR SHALL NOT EXCEED 15 PER CENT OF ALL UNDEDICATED REVENUES RECEIVED BY THE STATE DURING THE PRECEDING FISCAL YEAR AND SHALL BE REPAYED AT THE TIME THE REVENUES SO**

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

PLEGGED ARE RECEIVED, BUT NOT LATER THAN THE END OF THE SAME FISCAL YEAR.

THE STATE MAY BORROW MONEY FOR SUCH OTHER SPECIFIC PURPOSES AND IN SUCH AMOUNTS AS MAY BE PROPOSED BY THE LEGISLATURE BY THE AFFIRMATIVE VOTE OF 2/3 OF THE MEMBERS ELECT OF BOTH HOUSES, AND APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON AT ANY GENERAL ELECTION. THE QUESTION SUBMITTED TO THE ELECTORS SHALL STATE THE AMOUNT PROPOSED TO BE BORROWED, THE SPECIFIC PURPOSE TO WHICH THE FUNDS SHALL BE DEVOTED, AND THE METHOD OF REPAYMENT.

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 SO AS TO PROHIBIT THE INVESTMENT OF PUBLIC FUNDS UNTIL NEEDED FOR CURRENT REQUIREMENTS IN SUCH MANNER AS MAY BE PROVIDED BY GENERAL 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 [(1)] prior to May 4, 1955, [(2) on or after May 4, 1955 but prior to July 1, 1962, only if, and to the extent that, such bonds shall have been qualified as provided by law pursuant to section 27 of this article, and (3) on or after July 1, 1962, but prior to July 1, 1972, if such bonds shall be qualified as provided by law pursuant to this section] 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 towards 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/or 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 [pursuant to this section] TO SCHOOL DISTRICTS, shall be without limitation as to rate or amount.

All rights acquired under [section 27 of this article] SECTIONS 27 AND 28, ARTICLE X OF THE CONSTITUTION OF 1908, by holders of bonds [issued prior to July 1, 1962] HERETOFORE ISSUED, AND ALL OBLIGATIONS ASSUMED BY THE STATE OR ANY SCHOOL DISTRICT UNDER SAID SECTIONS, shall remain unimpaired.

[This section shall take effect on July 1, 1962.]

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Committee Proposal 23:

Sec. a. The effect of this section, which is substantially the same as section 11 of article X of the 1908 constitution, is to limit state borrowing on full faith and credit to the borrowing expressly authorized by the constitution. The provision is not intended to interfere, for instance, with the highway department's borrowing on tax anticipation bonds, the borrowing on revenue bonds, or any other of the forms of borrowing that have been used but does not involve the faith and credit of the state.

Sec. b. The purpose of this section is to give the state greater flexibility in meeting cash crises within the general fund and to replace with short term borrowing the present practice of "borrowing" from the state's creditors and the local governments by late payment. The state's income flow is irregular and not necessarily correlated as to time with its disbursements. For instance, at the present time the corporate franchise fee which brings in between \$65 and \$70 million a year is all received during the last part of the fiscal year.

The committee believes such short term borrowing should be limited to approximately \$60 million under the present size of the state's general fund budget. The state treasurer testified that this would be a realistic figure. In order to provide flexibility, however, the limitation has been expressed in terms of a percentage of the undedicated revenues of the state.

The section provides that any borrowing must be in anticipation of revenues to be received within the same fiscal year which shall be pledged for the payment of such borrowing and must be repaid in full at the time such pledged revenues are received. The purpose of this provision is to prevent the state from borrowing up to its limit and then merely renewing the loan from year to year, thus defeating the purpose for which the section is intended.

It is to be noted that even limited borrowing can be done only when authorized by the legislature.

This proposed section deals with long term borrowing such as we used when we paid bonuses to the veterans of 3 wars, when we borrowed for hospital construction, and in the decade of the '20s, borrowed on full faith and credit for highway construction. The legislature is not empowered to authorize any such borrowing without the approval of the voters of the state, but this section provides a method that can be used without cluttering up the constitution with amendments, authorizing the borrowing as we have had to do in the past. The voting will be the same, a 2/3 vote in both houses of the legislature on a bill, but the bill will carry a referendum provision and will not be effective unless and until approved by a majority of the people who vote on the proposition. The voting is, therefore, the same as that under the present constitution for a constitutional amendment but it avoids the necessity of amending the constitution.

Insofar as section 10 of article X of the 1908 constitution deals with state borrowing, the subject matter is covered by sections b and c of the committee's proposal.

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The committee gave careful attention to the provision in section 10 that the state might borrow to repel invasion, suppress insurrection, defend the state or aid the United States in time of war. Since this provision is something that was not used in the Spanish American war, 2 world wars, or the Korean war, and the matter of defense of any kind has become so thoroughly a federal problem it is the feeling of the committee that there is no reason for continuing this language in the new constitution.

The last sentence of section 10 in the present constitution providing state borrowing of \$50 million for highway construction, has been completely executed and need not be included in the new constitution. The money was borrowed, the roads built, the bonds have been paid, the sinking fund liquidated, and there is nothing remaining to be done under the authority of that sentence. The borrowing took place in the decade of the '20s. The last of the bonds were retired and the sinking fund liquidated in the early part of the decade of the '40s.

We were asked to authorize the legislature upon the finding of appropriate facts to authorize the issuance of general obligation bonds to refund all or any part of the revenue bonds issued by agencies of the state. The request came particularly from the Mackinac bridge authority, but it was the conclusion of the committee that if and when any such move is desirable and feasible the procedure in this section should be used, and that the legislature should be required to obtain a favorable vote of the people of the state in addition to their own vote of a 2/3 majority.

Sec. c. The first sentence of this section is the language of section 12 of article X of the 1908 constitution except that it has added at the end these words, "EXCEPT AS AUTHORIZED IN THIS CONSTITUTION." This exception is needed, of course, to put our section having to do with school borrowing and this section in harmony. The second sentence adds new language designed to avoid any possible interpretation of the "loan of credit" provision as precluding the investments of idle funds of the state and its political subdivisions until needed for current requirements. The evils sought to be avoided by the "loan of credit" provision did not include the prudent, businesslike investments for the purpose of deriving revenue from idle public funds. However, attorneys for public bodies in this state have been reluctant to authorize any investments except in federal securities in the face of the language of the present constitution. The attorney general recently in an informal opinion raised a question as to the constitutionality of certain statutory provisions authorizing investments of public funds. The section lets the legislature authorize such investment under appropriate safeguards.

The committee did not overlook the several proposals referred to it, which asked that we make an exception of the use of credit in order to facilitate economic development within the state. Those proposals were turned down because of the belief on the part of the committee that they do not represent sound procedure. Neither did the committee overlook the desire of many people in the state to make an exception to the section by adding the words "EXCEPT FOR PURPOSES OF HEALTH, SAFETY, OR GENERAL WELFARE." The committee rejected that idea as being entirely too inclusive.

Sec. d. This section continues in substance the provisions relating to school bond financing which are presently contained in sections 27 and 28 of article X. Section 28, which was voted by the electors as recently as November, 1960, is not to take effect until July 1, 1962, when section 27 expires.

These provisions which would be continued accomplish 3 principal objectives:

1. The state is authorized to borrow money for the purpose of making loans to school districts where necessary to provide support for school district bonds.

2. School districts are permitted to obtain such state loans only to prevent default in payment of their "qualified" bonds or to avoid having to levy more than 13 mills (or a lower millage if the legislature so provides) to pay principal and interest on such bonds. In order to be qualified for this purpose, bonds must have been issued before May 4, 1955, or must have been or hereafter be approved by the superintendent of public instruction as meeting certain standards. This provision for state loans, which according to the present section 28 would expire in 1972, would have no expiration date in the new section.

3. School district bonds are removed from the 15 mill tax limitation but, of course, still have to be voted by the electors as provided by law.

Continuation of these provisions is regarded as desirable not only because they were so recently approved by the electors but also because they enable school districts to finance needed construction without incurring excessive tax burdens and at lower interest rates than would otherwise prevail. It is significant that actual state lending has been held to a minimum—the advantages being the result of availability of state support rather than in actual lending.

The conclusion of the committee has the concurrence of the committee on education.

[Section a was read by the secretary. For text, see above, page 602.]

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, this proposal covers the general subject matter found in sections 11, 10, 12 and 28 of article X of the present constitution, and covers the whole field of state borrowing and the use of state credit.

I think all of us are familiar with the fact that under the present constitution the state is authorized to borrow only the sum of \$250,000 and that whenever we have wished to borrow more money than that we had to do it by a constitutional amendment. In this proposal we are suggesting to you, and I hope that anyone who has not read the report will not jump to any conclusions until this has been explained, borrowing to the extent of \$50 or \$60 million without even a vote of the people; and authorization by the legislature only. That we wish to explain.

But in going from a limitation of \$250,000 to \$50 or \$60 million, to say nothing about the power for long term borrowing in addition, I think we ought to get the setting involved in the 2 periods of 1908, when the one constitution was adopted, and the present time when we are talking about a new constitution.

I asked some of the members of my committee, just to get a part of this picture, if they would check in their respective communities some of the tax values and the taxes being paid at the time the 1908 constitution was drawn. They brought me so many figures that I can't possibly give you all of them, but I think it may be worthwhile to just add this in order to get the difference in the economy of that day and this. Mr. Seyferth brought back from Muskegon a resident property assessed in 1908 at \$9,000, which is now assessed at \$21,100. The tax at that time was \$257.13. At this time it is \$1,096.77. And a business block assessed then at \$50,000, now at \$182,200; a tax of \$1,428.50 in 1908, \$9,470.76 at this time. My own residence property, in our little town—which I didn't own in 1908, but the description can be identified—was assessed at that time at \$1400, and it included the lot with the house on it and two vacant lots. The one lot with the house on it is assessed now at \$7,200. The tax then was \$45.22. The tax now is \$253. I will be very glad to have a lot of you move in to Stanton because I realize that is a very modest tax under the conditions we have now.

For the agriculturists of this convention, I would like to translate that into language that we can understand. That

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tax in 1908 meant $3\frac{1}{2}$ 200 pound hogs, or $\frac{3}{4}$ of a 1,000 pound steer. At the present time it means 7 hogs and a steer and $2/10$. I didn't realize we had all the agriculturists concentrated in this part of the room. Mr. Haskill, from Lapeer county, told us about a farm property assessed at \$2,850 in 1907, \$5,200 now. Tax, \$41.50 then, \$276 now. A town property, \$4700 then, \$8500 now. Tax, \$121 then and now \$328.

I was interested in the fact that of all the figures we got back, there has been the least change in Manistee county, where the assessments have been just about doubled; whereas in most of the other territories they have multiplied by 4 or 5. But the taxes are running the same rate of 4 or 5 times in Manistee, in spite of the little change in assessed value.

But he brought this figure I think you will be interested in. In 1908 the percentage of the property tax that was used by the schools was 4.6 This year 70 per cent.

Perhaps that is enough of that, but here is a figure that I am sure you would like to have, bearing in mind that the legislative appropriation in this state is now running \$500 million. The state's total budget, total expense—I didn't get the 1908—but for 1906-1907 it was \$5,118,675.67. Five million dollars in 1908, when we drew the constitution and a half billion, approximately, today, depending on the items you put in it.

Coming down, you will remember—those of you who are in the law business—that the corporate franchise tax was a very nominal figure until comparatively recently. I asked Governor Groesbeck one time, long after the event, why they set that tax at so low a figure, and the reason I am telling you this is because of the answer I got, which I haven't heard since, "That was all the money we needed."

Now, taking up the proposal, I shall yield to some members of the committee as we go along through this. But the first section is the one which limits state borrowing. It is the one which keeps the door from being wide open. We changed the wording. I don't think we have changed the meaning. It says, "No evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in or pursuant to the provisions of this constitution." Bear in mind as you consider this that we are talking here only about general obligation indebtedness. This does not apply and is not intended to apply to the various forms of borrowing used in connection with state government but not actually by state government.

The state highway department is borrowing, and the amount is somewhere about \$300 million, on tax anticipation bonds. The dormitories at our universities and colleges, with the figure of somewhere about \$120 million, are borrowing on revenue bonds. The Mackinac bridge, at just \$200,000 less than \$100 million, all of which is still outstanding, is on revenue bonds.

This building across the street where we go for lunch doesn't belong to the state. We have to pay some \$4 million more before it belongs to the state. It was built by an authority, with money borrowed without the use of the state's full credit.

I think, Mr. Chairman, that is perhaps a sufficient explanation as to the first section, and I will yield for questions on it.

CHAIRMAN HUTCHINSON: Are there any amendments to the section first read? Any questions of the chairman of the committee?

Mr. Downs.

MR. DOWNS: I just ask a question of procedure, Mr. Chairman. Are we going through this section by section, and then will each section be passed after we go through it?

CHAIRMAN HUTCHINSON: That is the way the Chair thought that probably we were going to proceed. The Chair would like to remind the committee that it may proceed in any fashion that it directs. Unless it otherwise directs, we will handle this section by section.

MR. DOWNS: I had a general question, and if it applies more to a later section, I will withhold the question. Here is the problem that I am trying to look at, Mr. Brake, "No evidence of state indebtedness shall be issued. . . ." Looking realistically at the situation we are now in, wherein I understand there are many millions of dollars owed, even though

the borrowing power, as you pointed out, is only a quarter of a million dollars, my question is, under this provision could the state have, in fact, gone into debt for the purpose that we used in the financial crisis in the last period of time?

MR. BRAKE: Because of this provision, we have been able to borrow, Mr. Downs, only by making use of a constitutional amendment each time we needed to make a loan. But we do not speak of the deficit as a state debt. We talk only of the borrowed money.

MR. DOWNS: Perhaps I used the wrong term. I was referring more to the state deficit, in fact, the indebtedness that was done in spite of a \$250,000 debt limit. Would the language the committee has in section a prevent the deficit from being created that was created?

MR. BRAKE: Not as we keep our books. We have the deficit because we just didn't pay and are overdrawn. It is not regarded as a state debt.

MR. DOWNS: So that this proposal would not affect the deficit one way or another either at present or in the future?

MR. BRAKE: That is right. You may be interested in knowing what that outstanding indebtedness is. Of the world war II bonus, \$51,993 is still outstanding. Of the hospital building where we procured \$65 million, \$36,250,000 is still outstanding. Of the Korean bonus, \$54 million is still out.

CHAIRMAN HUTCHINSON: Are there any amendments to the first section of the proposal which has been read and been explained by the chairman of the committee? If not, that section will pass.

Section a is passed. The secretary will read the next section.

SECRETARY CHASE: Section b.

[Section b was read by the secretary. For text, see above, page 602.]

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: I will take up first, Mr. Chairman, the matter that is excluded, because the subject matter is included in the section just read. The language, much of it—practically all of it—is deleted. That takes care of the \$250,000 limit we had, and then follows the provision that the state could borrow to repel invasion, suppress insurrection, defend the state or aid the United States in time of war. That was given consideration by the committee. It was something that was not used. It was not used in the Spanish war, neither of the 2 world wars or the Korean war and the committee considered it need not be carried forward into the new constitution.

Then there is the other provision, in which Senator Hutchinson was interested on another occasion, of the \$50 million borrowed for highway purposes. That borrowing took place back in the '20s, and the bonds were finally retired and the sinking fund liquidated in the early part of the decade of the '40s. So that has entirely served its purpose. There is no reason for carrying it forward. I am speaking entirely from memory, and not going back to recheck the figures, but you may be interested in them. As I recall it, when we had that interest all paid, and the principal repaid, we had paid \$94 million for that \$50 million deal. The interest rate, of course, was very high.

Now, for the next material, we had divided this into 2 sections. The drafting division apparently disagreed with us and put it together, but we will separate it, if we may, for the benefit of discussion. The first paragraph relates to short term borrowing, and for that I will yield to Delegate Staiger.

CHAIRMAN HUTCHINSON: Mr. Brake yields to Mr. Staiger.

MR. STAIGER: Mr. Chairman, on this section—and I am speaking of the first paragraph of section b, which we refer to as the short term borrowing section—I think it would be well, at the outset, if we all understand the problem we are addressing ourselves to in this case. This is short term operating capital borrowing. There are 2 different ways generally, or needs, for operating capital borrowing. The obvious one is that revenues do not come up to meet expenditures for the

year. If a deficit is created there would be a need for additional money. This is not the problem we are addressing our borrowing to. The committee went into this, and felt very strongly that this type of deficit should be met not by borrowing, but rather by appropriating additional revenue to meet expenditures.

There is another problem, however, that the committee went into and designed this section to cover; that is the situation where the legislature has appropriated sufficient revenue, but because of the timing, expenditures—if you stop and think for a minute, payroll goes on during the fiscal year fairly evenly. So much per week has to be paid out. Whereas the nature of our taxes, some of those come in not every week but, rather, all at once, maybe at the end of the year. Actually some of these taxes come in, as in the case of the corporate franchise tax, very near the end of the fiscal year, sometime in May. That represents approximately, as we say in our report, \$65 or \$70 million. With expenditures going on evenly toward the year, revenue coming in, some of it evenly and some toward the end of the year, this creates a cash crisis during the year. This is the problem that this section is addressed to help, to give some flexibility within the year to permit short term borrowing so that, in anticipation of these revenues, expenditures can be made when due, and yet picked up at the time and repaid at the time the taxes come in during the fiscal year.

The committee, in studying this, first agreed that such a provision should have the following principles: first, it should be a grant of authority to the legislature to provide for such borrowing if they so desire rather than being a self executing provision; and second, it should be limited to approximately \$50 or \$60 million under the present size of the state general fund. This primarily was the testimony we received from the state treasurer, that this was approximately the amount that he would need in order to meet the expenditures as they came due, and would like to be able to borrow in that area, in that amount.

Rather than putting a fixed figure—which we realized would be adequate only under the present size of the state general fund—into this section, we felt that we should use a percentage of the general fund; so that as the general fund grows, obviously the cash crisis problem would grow at the same time and by putting in a percentage it would be flexible as time went on. So we used 15 per cent of the undedicated state funds for the preceding fiscal year, which is just another way of saying at the present time \$60 million would be the authorized total for this purpose. We also decided that such borrowing should be limited to within the fiscal year and to the extent possible this provision is drafted to prevent the state from defeating the purpose of this provision by borrowing up to its limit and then merely renewing the loan from year to year. As I said, the reason for this section is to provide flexibility so that when they need the cash they will be able to borrow, and they won't use up the whole limit. They will be able to borrow the money, make the expenditure, and then pick up the money when the tax comes in.

Now, the problem we have is, if we just put a flat limit and said it shall be repaid within 12 months or within the fiscal year, they could run the loan right up to the end of the fiscal year, up to the maximum of the debt limit, and just merely renew it for the next year. So that you really wouldn't have short term borrowing; you would have long term borrowing and renewals from year to year. So, for that purpose, we have made some provision in this section to tie it to a pledge of specific practice, and say that it must be repaid at the time those taxes come due.

I would like also to point out that this is full faith and credit borrowing. It does require, however, the pledge of a specific revenue to be received within that fiscal year. As I said before, it is limited to 15 per cent of the undedicated funds received within the preceding fiscal year, and must be repaid when the pledged revenues are received; and then with the additional limitation on there, in no case later than the end of the fiscal year.

Just so we have the problem we have addressed ourselves

to clearly in mind at this time, I would yield for any questions that you might have.

CHAIRMAN HUTCHINSON: Mr. Perras.

MR. PERRAS: I would like to ask one question pertaining to local school districts. How is it that because of the shortage of money from the state on dedicated funds, or state aid, the local districts have to go to the local banks, borrow the money and then pay the interest out of the operating capital? With this proposal, would this eliminate the need for local districts spending their money for interest to the local banks, or would the state be able to take care of it directly?

MR. STAIGER: Well, it would all depend. As I understand, the reason the state hasn't made the payments when due now is that they had appropriated adequate revenue but it hadn't come in yet during the fiscal year. Under this proposal they could borrow this to pay it. But, as I understand, where the school is really given the pinch is that the legislature provides for a deficit appropriation or an emergency appropriation at the end of the year to come up with the state money. Now, if they haven't appropriated enough revenue, or have enough revenue to provide for that, they've got a deficit at the end of the year. Something has to give there, and it is the schools that they aren't able to pay because it is coming right at the end of the year.

This provision is not designed to take care of that type of a deficit, if it is something that goes beyond the end of the fiscal year. The cure there, we feel, is to appropriate enough money to take care of this.

MR. PERRAS: In my 10 years on the board of education it seems that we were always waiting for sales tax money or something else to come in.

MR. STAIGER: If it is something where enough appropriation has been made, this will allow them to make the payment, but if it is something where there has been a failure to appropriate enough to meet expenditures, it won't help.

CHAIRMAN HUTCHINSON: Mr. Mahinske.

MR. MAHINSKE: Perhaps Mr. Brake or Mr. Staiger could answer this. The sentence, line 7,

Such borrowing in any fiscal year shall not exceed 15 per cent of all undedicated revenues received by the state during the preceding fiscal year. . . .

as Mr. Staiger pointed out, and perhaps I interpreted you wrong, when you set this 15 per cent, possibly this year, does this become a dedicated fund this year? What about in reference to next year when you are borrowing; does the 15 per cent which you dedicated this year go out of the undedicated fund for next year? Because it seems to me after a period of years, possibly 5 or 6, in preceding years your undedicated fund will be cut down by 15 per cent each year that you do set up your maximum.

MR. STAIGER: No. This 15 per cent is not a dedication in itself. It is merely a yardstick to be used as a limit on their borrowing. For instance, right now, this year, say, if the legislature right now realized they were running short on cash they have appropriated, they have this corporate franchise coming in in May. So they want to borrow against that to meet present expenditures, to meet expenditures now, when they are due. They could borrow up to the amount of 15 per cent of the undedicated revenue for last year, or the general fund for last year. That is the yardstick of the maximum on the borrowing. It in no way dedicates any fund.

MR. MAHINSKE: Well, then, later on, you say at the end of line 9, ". . . and shall be repaid at the time the revenues so pledged are received. . . ." Now, are different words than "pledged" used on dedicated procedures?

MR. STAIGER: Yes, "pledged" is used to refer to—say the corporate franchise fee is coming in in May, if they want to borrow money, they would have to pledge their corporate franchise fee for the repayment to the extent of the borrowing.

MR. MAHINSKE: But that 15 per cent pledged this year would still be considered as undedicated funds next year?

MR. STAIGER: Well, by next year it would have been repaid.

MR. MAHINSKE: What I am getting at is, in time, if you keep cutting this down, if the pledged funds become the dedi-

cated funds, you can't draw 15 per cent of that amount on credit next year.

MR. STAIGER: Mr. Mahinske, think of it this way. If we borrow now against the corporate franchise fee coming due in May, and pledge that tax for the payment of this borrowing, come May, when that tax came in, that loan would be repaid. Now, the next fiscal year starts in June. By that time there is no pledge of revenue under this provision, and we would start out with 15 per cent for next year of the general fund for this year.

MR. MAHINSKE: But then, in the event it were not repaid within the fiscal year, it would not be taken into consideration as a basis for the succeeding year?

MR. STAIGER: The provision is that it must be repaid or else it is in default.

MR. MAHINSKE: But, what I am getting at is, this pledged amount, does it become a dedicated amount?

MR. STAIGER: No, not under that section.

CHAIRMAN HUTCHINSON: Mr. Yeager.

MR. YEAGER: Mr. Chairman, the question that I have — I don't know the degree of germaneness to this thing, but since we are talking about the question of appropriations here in the first sentence, I would like to ask Mr. Brake more or less a general question, since this will perhaps come up at a later time. I think one of the problems we have had in Michigan, at least financially speaking, has been the fact that the legislature has been appropriating funds based on an inaccurate or overrated estimate of revenue to be received.

The state of Oklahoma has in its constitution, I believe, a provision which prohibits the legislature from appropriating more funds than the average of the previous 3 years' income. I wondered if the committee gave any thought to this approach to appropriations, which may have some effect on short term borrowing?

MR. BRAKE: The problem that you are talking about lies in the jurisdiction of 3 committees. It is being handled primarily by the committee on executive branch, but the committee on legislative powers is involved and the finance and taxation committee is involved; and we have not arrived at an agreement among the 3. But we have a meeting for that purpose tomorrow. It is a problem that is being studied.

CHAIRMAN HUTCHINSON: Mr. Shackleton.

MR. SHACKLETON: Mr. Chairman, may I ask a question of Mr. Brake, please. Mr. Brake, the day we recessed before the Christmas holidays, we had under discussion money matters, commingling of funds. If that was successful, as the committee proposed at that time, would that still make necessary this provision for borrowing for temporary uses?

MR. BRAKE: I remember that event very well, Mr. Shackleton. You can take it either way. If that had carried, or if it still carries, it would make less necessary this provision for temporary borrowing. The other way around, this provision for temporary borrowing makes less necessary the provision that we had before us at that other occasion, the commingling of funds. The ideas are mutually helpful to each other.

MR. SHACKLETON: Then, in your opinion and the opinion of the committee, it would be well if that were successful, to continue this one also?

MR. BRAKE: I think so. We will be back with something having to do with that subject matter probably next week. Maybe this week.

CHAIRMAN HUTCHINSON: Mr. Bledsoe.

MR. BLEDSOE: I would like to ask Mr. Brake a question. Am I in error when I engage in the thinking that in the suggested financing system here in this proposal, you are asking this body to participate in continuing financial crises?

MR. BRAKE: Not at all, Mr. Bledsoe, but we are dealing with a state that carries through its treasury in the course of a year about \$1,200 million. That is a lot of money. The income can't be evenly divided; the expenditures can't be evenly divided so that every month it balances up. Even if we were on a pretty level keel, and had very little in the way of a deficit, or perhaps none, there might well be periods

when you would have to have a little extra money, the same as any business corporation has to have a little extra money once in awhile.

MR. BLEDSOE: May I ask another question? And may I preface it with a matter here that is contained in the program for Michigan tax reform adopted by the citizens for Michigan in December of 1961, which reads as follows:

The circumstance that gave birth to this study — indeed to the organization of citizens for Michigan itself — was the state financial crisis of 1959 that produced payless paydays, an unparalleled deficit of \$95.5 million in the general fund at the end of the fiscal year, June 30, and national embarrassment for Michigan.

In the intervening 2 years, 3 legislative moves were made which provided stopgap relief. The first was the liquidation of the veterans' trust fund, which produced about \$40 million and helped reduce the general fund deficit to \$64 million by June 30, 1960. The second was the imposition of certain temporary taxes which produced about \$50 million in revenue during the 1960-61 fiscal year and were allowed to expire June 30, 1961. The third was an increase in the state sales tax from 3 per cent to 4 per cent, effective January 1, 1961.

Now, in view of this program, are we meeting this problem by the process suggested here in this proposal?

MR. BRAKE: Not completely. Of course not. We are endeavoring to.

MR. BLEDSOE: Do you feel that we here — that that is a part of our duty? Is it paramount that we do that?

MR. BRAKE: Mr. Bledsoe, we can't present to you a complete program in one proposal or in one constitutional convention.

MR. BLEDSOE: Then I take it this is another stopgap, is that it?

MR. BRAKE: No, it is not a stopgap. It is just a help to get along at any time, whether we are in a financial crisis or not.

Mr. Austin would like to comment on something if you will permit, Mr. Staiger.

CHAIRMAN HUTCHINSON: Mr. Staiger has the floor.

MR. STAIGER: I yield to Mr. Austin.

CHAIRMAN HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. Chairman and members of the committee, there are really 2 subjects on the floor that I would like to comment on. The first is related to the question of the commingling of the earmarkings. At the time we had the debate on that subject it was felt that the delegates were not clear in regard to what the committee had in mind as to what it would do about earmarking. Therefore they were a little worried about our getting involved in commingling without knowing what the ultimate disposition would be of earmarking. The committee is at this point considering what to do about earmarking, and when we have completed those deliberations we will get back to the other subject of the commingling.

Now, as to the question raised by Mr. Bledsoe, if you will consider that the state of Michigan is receiving approximately \$1,200 million a year in tax receipts, you will realize that the state is receiving approximately \$100 million monthly, and the appropriations are based upon these receipts of \$100 million monthly. The tax revenue does not actually come into the treasury evenly, at the rate of \$100 million monthly. There are some months in which no money is received from certain tax revenues. As was pointed out, the franchise tax produces approximately \$65 to \$70 million annually. That money does not come in evenly throughout the year. It comes in in the month of May. Appropriations are based on the receipt of that money as though it did come in evenly throughout the year.

The purpose of this proposal is to give the treasury the right to go to the bank, to borrow money earlier than the receipt of the corporate franchise tax, to have the money in its treasury to meet the appropriations that would normally be met by the receipt of that money. When the money is received from the corporate franchise tax the loan will be paid off.

MR. BLEDSOE: Mr. Austin, may I ask you this question, what is necessary to correct the financial narrative that you have just given?

MR. AUSTIN: Mr. Bledsoe, there is one other problem which should be mentioned at this time, and you are concerned about that problem, and that is—

MR. BLEDSOE: I think we are concerned.

MR. AUSTIN: —the problem of whether the total revenues of the state are adequate to meet the full appropriations—

MR. BLEDSOE: What does that call for?

MR. AUSTIN: —and over a period of years the revenues of the state have been somewhat short of meeting the full appropriations, and that is how we accumulate the deficit. Now, that is a problem for the legislature to solve. The legislature has to levy enough tax revenue to meet our appropriations; and as long as the legislature is failing to levy enough taxation to meet the appropriations, we are going to have a deficit.

MR. BLEDSOE: Then I take it you are asking us to usurp the functions of the legislature?

MR. AUSTIN: No, no, this problem that we are discussing now would exist even if the legislature were levying enough taxation to meet our appropriations. Let me make it clear, Mr. Bledsoe. If the legislature were levying \$1,200 million of taxation each year it would be, in effect, levying enough taxation to take care of our appropriations, because our appropriations are equal to \$1,200 million. Is that clear?

MR. BLEDSOE: Isn't the fact, Mr. Austin, that what we really need to do is lay a foundation for a complete financial tax structure for our state? Isn't that what is needed?

MR. AUSTIN: Mr. Bledsoe—

MR. BLEDSOE: You can answer that yes or no.

MR. AUSTIN: No, Mr. Bledsoe, only the legislature can levy the taxation that is needed.

MR. BLEDSOE: The solving of that problem, then, becomes the duty of this body?

MR. AUSTIN: No.

MR. BLEDSOE: Then, where does it fall?

MR. AUSTIN: We are not here to solve that problem.

CHAIRMAN HUTCHINSON: Gentlemen, the Chair has been very lenient, but Mr. Staiger has the floor, and the Chair noted that Mr. Stevens desires, I suppose, to ask Mr. Staiger a question.

MR. STEVENS: Mr. Chairman, Mr. Staiger, I have something here that is bothering me. On line 13, the statement reads "... affirmative vote of 2/3 of the members elect of both houses ..." Should not that read "members elected"?

MR. STAIGER: Mr. Stevens, we have another member of the committee that is going to take this up in a second. On that second paragraph, section 3, we will get to that in a moment, if you could postpone the question until we have an explanation on that.

MR. STEVENS: May I ask this of the gentleman who makes the next report?

CHAIRMAN HUTCHINSON: All right.

Mr. Higgs.

MR. HIGGS: Mr. Chairman, Delegate Staiger, I am sure that this committee has given this consideration. I may have missed it during some of the discussion, but I am interested in the last clause, "not later than the end of the same fiscal year", and in particular, I assume that you have given consideration as to the relative need for tax moneys during the course of the fiscal year, and that you have chosen this language advisedly rather than saying "but not later than 12 months after the time of borrowing." I wonder if you would care to comment upon that?

MR. STAIGER: I would be glad to. In fact, that provision and the provision that it must be repaid as the revenue so pledged is received—which, if you check back, is revenue received during the fiscal year—is really a double limitation on that. We did this specifically to meet the type of problem that Mr. Bledsoe is raising.

If you could borrow beyond the end of the fiscal year, the tendency then would be for the governor and the legislature,

on the budget—at least there would be the temptation—to borrow to meet present appropriations for the fiscal year, rather than appropriate new taxes. This is exactly the thing we don't want to do. We want to fix the responsibility for a balanced budget right where it should be, in the governor and the legislature, and merely provide for borrowing within the fiscal year when and only to the extent that they actually have to have sufficient revenue coming in.

We drafted this specifically so there wouldn't be this type of borrowing which, in effect, is deficit borrowing because there was not adequate revenue. This is not the case where you do not have adequate revenue, but it is the case where the revenue comes in at different times, and does not come in at the same time of expenditures.

MR. HIGGS: Then, as a practical matter, in the tenth month of a fiscal year you could not borrow money inasmuch as you have only 2 months to pay it, is that right?

MR. STAIGER: You could if you have the taxes coming due within those next 2 months. If you start borrowing against next year, then you are getting into deficit financing; a situation which should be met by appropriate additional revenue and not by borrowing.

MR. HIGGS: I am not meaning to quarrel with you, and I favor this kind of limitation, you understand, but I wonder if you would tell us, for the record, during what particular months the need is greatest and what particular months the money is abundant?

MR. STAIGER: I don't have the figures on that. I know that taxes do come in at different times, and particularly right now on this corporate franchise tax, right at the end and, of course, by that time most of the expenditures that were appropriated to meet should have been met. I know that there are other instances. When we had State Treasurer Brown before the committee, he pointed out this fact that we have the different taxes that come in annually and at different times and, as a result, revenues do come in unevenly and expenditures go on rather evenly. This is the reason we need this type of flexibility in the system. Does that satisfy your question?

MR. HIGGS: I think it is fairly critical, if we are going to solve the problem, to know just how we are solving it. As I read it, Mr. Chairman, as a practical matter our borrowing is limited to the earliest part of the year. I wonder if Mr. Brake could answer that question?

CHAIRMAN HUTCHINSON: Mr. Staiger yields to Mr. Brake to answer Mr. Higgs' question?

MR. STAIGER: Yes.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: I can't go through the 12 months of the year, Mr. Higgs, and tell you which months are high and which are low. One thing that they wait a little while for is the corporate franchise tax, which, of course, is paid in May. Your intangibles tax, with what the state gets from it—of course, intangibles are divided—comes in in April, or at the end of March and the beginning of April. There isn't the idea at all, on the part of the committee, that this is something that is going to be used every day. It takes legislative authority, and it will be used only when the legislature authorizes it, and it will be used whenever it is needed if the legislature authorizes it. It is a safety measure more than anything else.

CHAIRMAN HUTCHINSON: Mr. Ostrow.

MR. OSTROW: Reducing this to terms of everyday life of people, this is like a man borrowing \$20 until payday. So instead of the kids going hungry and having to eat beans and then turkey on payday, they can eat during the week, spending the money that they will receive at the end of the week. Or, in the case of a businessman, he's got \$10,000 in accounts receivable coming in at the end of the month, but he has payroll and other expenses coming in at the beginning of the month. He borrows \$1500 or \$2,000 from the bank and takes care of his immediate needs.

It is not going to produce any more money. There is not going to be any more revenue. Nobody claims there will.

But there won't be the feast and famine. It will just level it out and you can spend it when you have to spend it. You won't spend any more. You won't take in any more. But it will alleviate the situation where you have no money for a long time and then a lot of money, and a lot of people have to wait for their money.

CHAIRMAN HUTCHINSON: Mr. Staiger.

MR. STAIGER: I have no further comments. I yield the floor to Mr. Hoxie.

CHAIRMAN HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I would like to address a question to Mr. Brake. In reading this proposal, it refers to anticipation of receipt of any undedicated revenue to be received within the same fiscal year. Now, we have heard the figure mentioned of \$1,200 million of appropriation—something of that nature, Mr. Brake, is that correct?

MR. BRAKE: No, that is not correct. Mr. Austin was not using quite the correct terms when he spoke of collecting \$1,200 million in taxes. The figure I used, \$1,200 million was the money that goes through the state treasury in the course of a year, which includes some federal money.

MR. HOXIE: We are getting to the point now, Mr. Brake, that I would like to have some enlightenment on. When we are talking of 15 per cent, and also referring to undedicated funds, do we consider federal funds that are not due to be appropriated at the time received? Are we considering we can borrow against those, or only such general revenue, money of general government of the state of Michigan?

MR. BRAKE: As a member of the ways and means committee for years, you don't need any enlightenment at all. You know that what we are talking about is money that is ours, and that is not dedicated to a specific purpose. This excludes the highway money, the dedicated sales tax, and anything else that is dedicated to a specific purpose, and the percentage is figured only on what is left.

MR. HOXIE: Thank you. That is the answer I wanted.

CHAIRMAN HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. Chairman, I just want to make a brief comment on this, and that is that this is the provision that I had hoped Mr. Brake's committee would bring out when we were discussing the earlier matter before the Christmas recess. It is a very useful device for leveling out this unequal flow of income and uneven flow of expenditure. It doesn't solve any long term problems at all, but if we had had it when I was auditor general, I think we would have avoided the very crisis that we got into and I think it is a very useful provision. It is a short term matter, and it does not solve any of our long term problems.

CHAIRMAN HUTCHINSON: Mr. Staiger.

MR. STAIGER: If there are no further questions, I will yield the floor to Mr. Brake on this matter. I guess we take this all in one paragraph, these 2 sections.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: The other part of the section, the second paragraph, has to do with the long term borrowing. As I mentioned to you, in the past when we have needed to do some long term borrowing, as we have 5 times, as I recall, since 1908, we had to resort to a constitutional amendment. It is generally proposed by the legislature by a 2/3 vote, and then approved by the people. We have the same protection written into this section that we have had through those years. It still will require a 2/3 vote of each house of the legislature and approval by the people, but not the encumbering of the constitution by an amendment which the next constitutional convention will have to get rid of. This is to be by bill, requiring a 2/3 vote, requiring the approval of the people. It is a simple thing. This will not prevent the people, of course, from borrowing by a constitutional amendment if they so desire, and if we build a constitution which permits amendment. But it is a better method because it doesn't encumber the constitution.

I think you should have, before your questions, something that we didn't do. We were asked, particularly by the Mackinac bridge authority, to provide the necessary provision

for refunding the other kinds of bonds that are outstanding by agencies of the state. Of course, they were interested in a possible refunding of the Mackinac bridge bonds. But the proposal that they brought to us would have permitted a refunding of the university dormitory bonds, this proposition across the street, and anything else, including the tax anticipation bonds of the highway department. They wanted that possible by action of the legislature, when certain facts were found, without a vote of the people. We have rejected that. Our decision, of course, is subject to your decision. But we rejected it, and believe that if there comes a time when they can profitably refund any of those bonds, and wish to do so, they should be required to use this long term provision, 2/3 vote of the legislature and referendum to the people.

CHAIRMAN HUTCHINSON: Are there any amendments to the body of section b in this proposal?

Mr. Marshall.

MR. MARSHALL: Mr. Chairman, just a point of inquiry. The provision seems to me an excellent one and will enable us to borrow by a vote of the legislature and a vote of the people without putting in a constitutional amendment, but I wonder if the committee inquired of the bonding attorneys as to whether the absence of this provision as a constitutional provision would affect the cost of borrowing, would make the cost of borrowing higher by doing it just by bill? Does that have any effect on it at all?

MR. BRAKE: I think not. We had plenty of experts before the committee, and we had a member of the committee who is a member of a firm that handles a tremendous amount of this business, and I think we are entirely safe in that regard; the same vote, the same securities.

MR. MARSHALL: The bill approved by the people would have the same effect, exactly, as the constitutional amendment?

MR. BRAKE: Yes.

CHAIRMAN HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. Chairman, Mr. Brake, once again my question, should not the third and fourth words on line 14 read "members elected"?

MR. BRAKE: Mr. Stevens, there are many here who have been in the legislature since I, but as I remember, the terms "senators elect," "house members elect," have always been used.

MR. STEVENS: Mr. Brake, I am reading from the Constitution of the State of Michigan of 1908, where it says "... will prevent a majority of the members elected from discharging —" and so forth. All through the constitution you see that term "members elected." It is my construction that the term "members elect" refers to persons who have not been sworn in.

MR. BRAKE: I think it is used the other way in the statute and in the legislature, in contrast, of course, with "members present and voting". That is the purpose.

MR. STEVENS: I am only raising the question because it will come up in style and drafting.

MR. BRAKE: They will have a chance to look at it, I hope. (laughter)

CHAIRMAN HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, I want to make a little inquiry about this provision we are just talking about here expressed in lines 12, 13, 14 and 15. It is my understanding that the proposal is that this action would be by a bill or statute rather than an amendment to the constitution. But in reading it, I don't find anything about bill or act or statute, or anything, nor do I find that this proposition would be submitted to the governor. I wonder if this is a sort of different type of action than we now have, or whether that was just taken for granted?

MR. BRAKE: It would be a bill. It would be submitted to the governor. It would be subjected to veto, but having been passed by the number of votes that it takes to override a veto, you would hardly expect a governor to veto it.

MR. POWELL: I was just wondering as I read this, for instance, in line 13, after it says, "... proposed by the legislature ..." if you would like some language like "a

bill passed by an affirmative vote of 2/3" or something—maybe it is entirely clear to everybody else, but in reading it, where we don't find any reference to bill or act, or that the governor has any hand in the matter—it talks about the 2/3 vote and then going directly to a referendum. I wondered if there was something behind the scenes that I didn't understand.

MR. BRAKE: The legislature acts by bill or joint resolution. It acts by joint resolution only when it is proposing an amendment on the ballot for people to vote upon.

CHAIRMAN HUTCHINSON: Mr. Van Dusen, do you desire the floor?

MR. VAN DUSEN: I don't like, Mr. Chairman, to take issue with the distinguished chairman of our committee. However, I don't think it is entirely clear that this would be by bill, in view of the fact that the language is almost identical with the language of the present section dealing with amendment of the constitution, and I believe it was our intention that the process would be the same as is presently followed in the amendment of the constitution. Therefore, the action would be by joint resolution rather than by bill.

MR. BRAKE: I can't see that it would make any particular difference, Mr. Van Dusen, but I think it would be by bill, because you would either have a statute or you would have a constitutional amendment, and this would not be a constitutional amendment.

MR. VAN DUSEN: I bow to the superior wisdom of our chairman.

CHAIRMAN HUTCHINSON: Are there any amendments to the body of section b of this proposal?

Mr. Woolfenden.

MR. WOOLFENDEN: I would like to ask Mr. Brake a question. Since this procedure involves an election following the legislative action, why is it necessary to require a 2/3 vote of the entire membership of the legislature instead of just a simple majority? It would seem to me that the public interest is amply safeguarded if the legislative action, whether by bill or joint resolution, is followed by an election. It seems that this is a needless limitation on the legislature.

MR. BRAKE: I think you would probably call us conservative, Mr. Woolfenden. We have provided the same conservative vote that we have always required for constitutional amendment by which we have abided in the past. Mr. Woolfenden sent over a note that I didn't answer. He asked whether the action of the committee on these matters has been unanimous. My memory may be slightly wrong; I think not. As I recall it, there was no negative vote on any part of this proposal. I think on one or two parts there were a couple who abstained.

CHAIRMAN HUTCHINSON: There is an amendment on the secretary's desk which the secretary will read.

SECRETARY CHASE: Mr. Downs offers the following amendment:

1. Amend page 2, line 13, after "legislature by" by striking out "the affirmative vote of 2/3 of the" and inserting "a simple majority of"; so the language will read:

The state may borrow money for such other specific purposes and in such amounts as may be proposed by the legislature by a simple majority of members elect of both houses.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. Chairman, I believe Mr. Woolfenden, in a sense, made the comment I was going to make, I noticed the model state constitution provides that

No debt shall be contracted by and in behalf of the state unless such debt shall be authorized by law for a single project or object distinctly specified therein.

That does not provide for any check by the people.

It seems to me that there is some merit to using the "simple majority". I was going to ask the legislative organization committee what a simple majority was going to mean before the convention closes. But I think in some cases, such as the Mackinac bridge, if I understand correctly, that by putting the full faith and credit of the state behind the project

we could save as much as 1 per cent—which could mean a \$1 million a year if it is a \$100 million bond issue—and while this is not a major issue, I do think it might make the long range borrowing a little more flexible.

I did have another question of Mr. Brake, but it is not germane to the amendment, and I will hold that in mind until the amendment is voted on.

MR. BRAKE: There is no question about the fact that a simple majority would make it easier to get the question submitted to the people. Our view of it is that this is something which should be used very, very seldom, and only in case of urgent and unusual need. Five times we have done it, for bonuses for 3 wars, one highway construction program, and once for a hospital construction program. It is just a question of whether you wish to make it easy or whether you wish to be sure that there is a real need before you let the people vote on the question of borrowing money.

CHAIRMAN HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. Chairman, Mr. Brake, or whoever wants to, can answer. I did not notice in the amendment any statement of either members elect or members elected. I am afraid I didn't make my question quite clear to Mr. Brake. I am aware of the fact that all through the state constitution it requires these elections to be by members elected, in the past tense. My objection to the language in this proposal was it is in the present tense; it is not "elected," it is "elect." In the amendment there doesn't seem to be required anything except a simple majority of those voting on it, if I heard the amendment correctly.

MR. BRAKE: "... of an affirmative vote of 2/3 of members elect of both houses."

MR. STEVENS: Yes. I quote here from section 15 of article V:

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 from discharging—

MR. BRAKE: I told you, Mr. Stevens, I speak as a legislator where we have used those terms repeatedly. Help us get this to the committee on style and drafting and let them handle it.

CHAIRMAN HUTCHINSON: The question is on Mr. Downs' amendment. Mr. Nord.

MR. NORD: I have a question for Mr. Downs. I note that before this amendment the question arose whether or not the governor's approval was required, and the answer was it was a 2/3 vote. Now, if we had a simple majority it would mean yes, the governor's approval is required, and therefore I would like to know whether Mr. Downs' amendment contemplates whether the governor's approval would be required or whether it would not?

MR. DOWNS: The amendment just applies to replacing the 2/3 with "a simple majority". If the amendment passes, it would then reopen the question that Mr. Brake said was moot if the 2/3 majority was required, and I would suggest that after this is voted upon we then go into the other question. But I believe it is more in order to limit our discussion to the amendment that is before us.

CHAIRMAN HUTCHINSON: Mr. Stafseth.

MR. STAFSETH: I happen to be a member of this committee, and we discussed this very proposition of the 2/3 vote. We took the language that is exactly as it is for the constitutional amendment. We also considered the situation of an initiative referendum. We decided to leave that as it is, and you can still do it. I would speak against Mr. Downs' amendment because I think what we get into, if you use just a simple majority, might be a very good way for the legislature to not face up to their current responsibility and get a simple majority, and then the people, not knowing the real facts, would vote it in, and would just create continual indebtedness, and keep right on going.

CHAIRMAN HUTCHINSON: Mr. Davis.

MR. DAVIS: Mr. Chairman, I too would like to oppose the amendment and support the committee's proposal. I believe

that this proposal, as it comes from the committee, lends an orderly and businesslike means of transacting government business. I think that also contained in it is something which lends itself to fiscal integrity, one thing I think all these citizens have a desire for.

CHAIRMAN HUTCHINSON: Mr. Upton.

MR. UPTON: I would like to speak against this amendment as a member of the committee. We did consider this. I feel that the legislature should have the responsibility to determine when they want to have long term borrowing. They should very definitely consider it as an entire body, and a simple majority could confuse the people many, many times. So I feel a 2/3 majority is necessary for good, stable financial management in our state.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: I would like to ask Delegate Brake a question. Is this, the 2/3 vote, the only time in which the full faith and credit of the state is pledged as security for borrowing?

MR. BRAKE: No. The short term borrowing.

MR. FAXON: But that isn't in the 1908 — this would be under this proposal, but it isn't in the 1908 constitution. In the 1908 constitution you can't borrow on anticipated revenue.

MR. BRAKE: You can borrow \$250,000 on the full faith and credit of the state.

MR. FAXON: And under this now we would be able to add 15 per cent to the undedicated funds, plus whatever would be approved by the 2/3 vote and the vote of the people?

MR. BRAKE: That is right.

CHAIRMAN HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. Chairman, members of the committee, I too would like to speak in opposition to the amendment. Our purpose here was not really to make it easier to borrow money than it has been under the present constitution, but simply to provide the same procedural steps and to avoid the cluttering up of the constitution with repeated amendments referring to specific bond issues which might long since have been paid off. We do not intend to encourage profligacy on the part of the state. We simply intend to keep the constitution free from specific reference to bond issues.

CHAIRMAN HUTCHINSON: The question is on the amendment. All those in favor, say aye. Those opposed, say no. The amendment is not adopted.

Are there any further amendments to the body of the proposal? If not, it will pass — I beg your pardon, gentlemen, the Chair is in error.

Mr. Howes.

MR. HOWES: Mr. Chairman, this section could very well be used by the legislature and the people of the state of Michigan to issue full faith and credit bonds to buy back the Mackinac bridge authority bonds at an opportune time. Senator Prentiss Brown explained to our committee that full faith and credit bonds would actually save the state about \$1 million per year in interest, and would allow a substantial reduction in toll rates across the Mackinac bridge. In the opinion of some good authorities, the toll rates across the bridge are high enough that they are lessening traffic across the bridge, especially truck traffic. The substantial reduction of toll rates on the bridge would be an economic aid to both the upper and lower peninsulas of Michigan. I believe the people who use the Mackinac bridge need this \$1 million per year, and could use it possibly to better advantage than the bond lawyers from the New York bond market.

The full committee, with the help of the most capable people and the best information available to us, gave this proposal very long and deliberative study before voting to approve this in its present form, and I now urge the delegates convened here to carefully consider this, and then to approve this proposal as it is now written.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. Chairman, I move the committee do now rise.

CHAIRMAN HUTCHINSON: Mr. Brake moves the com-

mittee do now rise. The motion is not debatable. All those in favor, say aye. Those opposed, say no.

The motion prevails. The committee has risen.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 18**, A proposal to provide for a great seal of the state and to authorize its use; **Committee Proposal 19**, A proposal to provide for a state militia; **Committee Proposal 20**, A proposal to provide that no law shall be enacted providing for the penalty of death; and **Committee Proposal 21**, A proposal pertaining to the division of the powers of government; and reports these proposals back to the convention without amendment and with the recommendation that they be passed.

PRESIDENT NISBET: The **Committee Proposals 18, 19, 20 and 21** are referred to the committee on style and drafting.

For Committee Proposal 18 as referred to the committee on style and drafting, see above, page 593.

For Committee Proposal 19 as referred to the committee on style and drafting, see above, page 593.

For Committee Proposal 20 as referred to the committee on style and drafting, see above, page 595.

For Committee Proposal 21 as referred to the committee on style and drafting, see above, page 600.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 17**, A proposal respecting eligibility for the offices of governor and lieutenant governor; reports this proposal back to the convention with an amendment, recommending the amendment be agreed to and the proposal as amended do pass.

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

1. Amend page 1, line 9, after "registered" by striking out "voter" and inserting "qualified elector".]

PRESIDENT NISBET: The question is on agreeing to the amendment to Committee Proposal 17. Those in favor, say aye. Those opposed, no.

The amendment is adopted.

Committee Proposal 17, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 17 as amended and referred to the committee on style and drafting:

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

Any registered qualified elector of the state who is at least 30 years of age shall be eligible to the offices of governor or lieutenant governor.

SECRETARY CHASE: The committee of the whole has also had under consideration **Exclusion Report 2003**, A report recommending the exclusion of article X, section 20; and **Exclusion Report 2006**, A report recommending the exclusion of article XII, sections 1, 2, 3, 5, 6, 7 and 8; and reports these 2 exclusion reports back to the convention without amendment and recommends the adoption thereof.

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

Exclusion Reports 2003 and 2006 are adopted and referred to the committee on style and drafting.

FIFTY-NINTH DAY

Wednesday, January 17, 1962, 2:00 o'clock p.m.

PROCEEDINGS

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

Our **invocation** today is to be given by the pastor of one of our delegates, Mrs. Anne Conklin. He is the Reverend William Whitledge, Pastor of St. Paul's Presbyterian Church in Livonia. Will you please rise.

REVEREND WHITLEGE: Almighty God, who art the author and giver of law, from whom all just designs and righteous judgments proceed, and who hast taught us that righteousness doth exalt a nation; we beseech Thee to guide and govern the minds of these delegates in wisdom, sincerity and judgment; that, being called upon to put into the written form the guide of law for the people of this state, they may both understand the sacredness of this trust and the eagerness with which the people follow their actions.

To Thee, O Lord, we do commend our state and nation, for which Thou hast done so much in days of old, that in the days to come we, Thy stewards, may walk in the way of righteousness and truth. We beseech Thee to abolish here all mean desire and motive, let none be deceived by glittering promises or vain words, cleanse all thoughts and uplift all minds that the things considered this day may be with singleness of heart and honesty of motive for the good of the state and the honor of Thy name. Amen.

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

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

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

Absent with leave: Mr. Thomson.

Absent without leave: Mr. Douglas.

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

Reports of standing committees.

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

Committee Proposal 24, A proposal pertaining to inclusion of section 39 of article V in the constitution; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 24 and the reasons submitted in support thereof, see below, page 707.

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

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

Exclusion Report 2008, A report recommending the exclusion of article V, section 31.

T. Jefferson Hoxie, chairman.

For Exclusion Report 2008 and the reasons submitted in support thereof, see below, page 708.

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

SECRETARY CHASE: That is all of the standing committee reports.

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications from state officers.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing there.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: Mr. Danhof moves that the subcommittee assignments for the committee on judicial branch be printed in the journal.

PRESIDENT NISBET: Without objection, they will be included in the journal. I hear none, it is so ordered.

Following are the subcommittee assignments for the committee on judicial branch:

Subcommittee on legislative matters:

Mr. Prettie, chairman

Miss McGowan

Mr. Everett

Subcommittee on administrative agencies:

Mr. Leibrand

Mr. Krolkowski

Mr. Iverson

SECRETARY CHASE: There are no resolutions.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders of the day.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders of the day.** Mr. Hutchinson.

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

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. All in favor, say aye. Opposed, no.

The motion prevails.

Mr. Tubbs.

MR. TUBBS: Mr. President, before we resolve ourselves, may I rise to a point of personal privilege?

PRESIDENT NISBET: Without objection, you may.

MR. TUBBS: On page 3 of the Detroit Free Press this morning, I was singled out for some sort of honor, I guess, because I seem to be a lone dissenter on the judicial committee. I am not unaccustomed to that spot, so it doesn't bother me too much; but, in the interest of accuracy, I would like to have the Free Press and the record show that I had company. Don Lawrence was the other dissenter and his vote apparently did not get recorded by the man who represented the Free Press; but this was a vote that wasn't recorded by the committee either, so I cannot correct the record officially. But I would like to have the members here, who may have read the Free Press, know that I had company. I also made the remark that if Mr. Woolfenden had been present he would have joined in the dissent. (laughter)

[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 read the item which is first before us.

SECRETARY CHASE: From the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 23**, A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and

covering the general subject matter found in sections 11, 10, 12 and 23 of article X of the 1908 constitution; which was under consideration on yesterday, and section b was under consideration.

For last previous action by the committee of the whole on Committee Proposal 23, see above, page 602.

Mr. Faxon has filed the following amendment to section b:

1. Amend page 2, line 13, after "proposed by" by striking out "the legislature by" and inserting "an act of the legislature requiring"; so the language will then read:

The state may borrow money for such other specific purposes and in such amounts as may be proposed by an act of the legislature requiring the affirmative vote of 2/3 of the members elect of both houses. . . .

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Faxon.

MR. FAXON: I offered this yesterday because I had heard, at the time, there was some confusion as to whether this was to be a joint resolution or an act, and I would like to ask Mr. Brake whether he feels it would be any clearer with this language; and if he feels not, I will withdraw the amendment.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: Amendments aren't generally made with those conditions attached, Mr. Faxon, and I appreciate it. Let me read to you a section, section 19 of article V of the present constitution: "All legislation by the legislature shall be by bill and may originate in either house of the legislature." I think my answer yesterday was completely correct, but the very fact that the question has been raised by members of this convention, I think, makes it acceptable, at least, that the language be clarified so that no one can misunderstand it; I have no objection to your amendment.

MR. FAXON: Then I will keep it. Thank you.

CHAIRMAN HUTCHINSON: The question is upon the amendment of Mr. Faxon. All those in favor will say aye; those opposed, no.

The amendment is adopted. Are there any further amendments?

SECRETARY CHASE: Messrs. Binkowski, Perlich, and Perras offer the following amendment:

1. Amend page 2, after line 17, by inserting the following paragraph:

"The legislature is authorized by general law or laws to irrevocably pledge the full faith and credit of the state of Michigan for the payment of the principal of and interest on bonds or refunding bonds to be issued by the state, or any of its officers, boards, agencies, commissions, departments, or special authorities pursuant to law, and payable out of specific taxes, tolls, fees, charges or other specifically designated and earmarked revenues. Such law or laws may also provide that the specific taxes, tolls, fees, charges or other specifically designated and earmarked revenues out of which said bonds are payable shall be continued and used to the extent necessary to provide reimbursement to the state for any money paid by it pursuant to said full faith and credit pledge."

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Binkowski.

MR. BINKOWSKI: Mr. Chairman and members of the committee, the amendment is being offered in response to some of the comments made by Mr. Howes at the closing of the meeting. I have a statement. I would just, very briefly, like to restate his position respecting the testimony by former U. S. Senator Prentiss M. Brown regarding the use of full faith and credit bonds, for the fact that it possibly will save \$1 million in interest and allow a substantial reduction in toll rates across the Mackinac bridge.

Now I am offering this amendment because I believe that the full committee should consider some of the testimony and some of the comments made by the chairman of the

Mackinac bridge authority, and I hope that my chairman and the members of my committee will not misconstrue this and believe that I am opposing any of their actions; but I think that because of the fact that Mr. Brown did come all the way from St. Ignace down here to testify before the committee, and the fact that this would possibly result in a savings of \$1 million a year, it is worth a few minutes of the committee's time, and therefore, I would like to quote a few statements—with your indulgence—made before the committee on finance and taxation by Prentiss M. Brown, the chairman. He said:

It is essential at the very outset that I put to rest any rumors or speculation that the Mackinac bridge is in any financial or physical difficulty. Also, it should be made clear that our appearance before this committee should not be interpreted as an effort on the part of the bridge authority to have the state of Michigan take over Mackinac bridge authority indebtedness. That this could happen is true, depending upon the will of this convention, the people and the legislature, and as my remarks will bear out, would be advisable; but I do want it understood that the authority is prepared to carry on under its present obligations.

However, I would be remiss in my duty, both as a public official and as a private citizen, if I did not take this opportunity to point out that through comparatively simple means and with proper safeguards, the people of this state can save literally millions of dollars every year in the management of its financial obligations, particularly with reference to borrowed funds.

Because I am familiar at this time with Mackinac bridge financial operations, I will use the bridge as an example of how these savings can be accomplished. Please bear in mind that what I say about the bridge indebtedness could apply just as well to many other state facilities financed by revenue type bonds, such as dormitories, highways, buildings and such.

Ever since the opening of the Mackinac bridge, the primary objective of the members of the authority has been to make it toll free. We have tried to keep abreast of all possible methods and suggestions such as the proposed reimbursement for the interstate highway system of which the bridge is a part. Notwithstanding our efforts in this direction, we have had no success and very little encouragement. As a corollary of our objective for a toll free crossing, we are equally desirous of obtaining any possible reduction in tolls. Since nearly 100 per cent of our revenues are used for interest payments and reserves, it is therefore obvious that to reduce tolls, short of legislative or other subsidies which appear impractical, it will be necessary to reduce interest payment requirements.

It was nearly 8 years ago at the time of the Mackinac bridge financing, that the chairman of this committee, namely Mr. Brake, stated with great accuracy that if the state issued the bridge bonds, backed by the credit of the state after a popular vote of the people, the project could be built and financed for \$64 million less than it will ultimately cost under revenue bond financing, the difference being in the payment of interest charges. This statement is as true today as it was in December of 1953. We differed with the chairman at that time over whether or not the people would have approved a general obligation bond issue for a bridge at the straits of Mackinac, which many persons at that time were certain could not be financed and, if financed, could not be built.

Now the bridge is built. It is certainly a physical triumph of linking our 2 peninsulas. We know that even in this current recession year, its net earnings will be over \$5 million. We fully expect to place \$½ million in our reserve funds during 1961. With these 2 factors—physical and financial feasibility—proven, it then seems sound, reasonable, economical and just plain good common sense to make every effort to reduce interest costs,

particularly when such a move can be made with no jeopardy to the state general fund and, practically speaking, no possibility that the general tax sources of the state will be called upon to financially support the structure.

We submit a suggested section for inclusion in the constitution which would permit the legislature to pledge the full faith and credit of the state of Michigan for the payment of the principal of and the interest on refunding bonds to be issued by the state or any of its several instrumentalities, with the provision that tolls, fees, charges, and such designated and earmarked revenues out of which said bonds are payable, shall be continued and used to pay off the indebtedness.

In the case of the Mackinac bridge, it would be my suggestion to wait at least until January 1, 1964, when the call premium on our bonds will be reduced from 8 per cent to 5 per cent. The authority is now paying approximately $4\frac{1}{4}$ per cent interest on its 2 series of bonds. We now have over \$5 million in reserves and will have substantially more by 1964, so that we are certain that with our reserves our outstanding bonds could be refunded with an issue of \$100 million or less. We would wait for the most favorable market, issue serial bonds, and aim at an interest rate of about $3\frac{1}{4}$ per cent.

Now on the basis of the recommendation made by our committee with respect to long term borrowing, the question is: why adopt something like this? I think, essentially, the judgment which the committee has to make is that as a practical matter it is rather difficult to get $\frac{2}{3}$ of the legislature to agree upon anything. That is number one. Whereas, if this provision were adopted, it would at least permit a majority of the legislature to do this. And again, I want to emphasize the fact that this is permissive. It is not mandatory. The legislature would not have to do it. It would depend upon the circumstances.

And secondly, we have a situation here, like the Mackinac bridge, which has proved that it is a paying proposition. I wonder, what would the vote of the people indicate in this matter? And I wonder, too, if the legislature would not be in a better position to decide this question without the vote of the people. And, therefore, I submit this amendment for your consideration.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, I invited this kind of an amendment, of course, yesterday when I mentioned to you that we had been requested to include this in the financial article of the constitution.

I think there is nobody in this convention who doesn't take the opportunity to take a pot shot at me in connection with the Mackinac bridge whenever he gets a chance. I have one facetious and somewhat satirical friend who said that he was going to paint a big sign on both ends of the bridge, "I told you so." D. Hale Brake." I am glad to have Senator Brown's testimonial to the accuracy of my prophecy, if you call it that, many years ago.

Now, this is something of a serious nature, and since it has been raised again I want to take time to go into what it means. If we had borrowed the money for the Mackinac bridge on the full faith and credit of this state, at the time we borrowed it we could have had the money for between 2 per cent and 2.10 per cent. There is no question about that, because we were borrowing on highway anticipation bonds at that very time for 2.12 per cent. Our computation disagrees a little with the Senator's. We figured that we were actually paying 4.34 per cent, as the money was borrowed for the bridge; but take it at 4.25, as he says. Four and $\frac{1}{4}$ per cent interest at that time was an outrageous rate of interest. It is not so outrageous now. But even now, if those bonds were in position to be refunded, with the market as it is now, there could be a saving, very possibly, of 1 per cent or near 1 per cent.

Now, they are not in a position—they haven't gone long enough—they don't know what their financial future is enough for refunding now, and the Senator admitted that when he appeared before the committee. He was talking about getting in position by 1965 or 1966, depending on the bond market and depending on the experience of the bridge, to get the legislature to authorize the refunding providing the bonds could be sold so as to make a saving. This is a fair proposition for consideration and, believe me, the committee didn't pass it over lightly.

That, however, is not all that there is in the proposed amendment, either as he made it or as Mr. Binkowski has made it today. He has suggested that we authorize the legislature to authorize the refunding of all these outstanding bonds of the agencies of the state, whether they are revenue bonds, whether they are tax anticipation bonds, whether they are dormitory bonds, or what have you.

I called your attention to the fact yesterday that that is approaching \$1 billion. If you want the job of going to the people of this state and selling them the idea that the legislature of this state should be authorized to put them under \$1 billion of indebtedness without any vote on their part, you do it; I don't want it. I don't think they will buy it and I don't think they ought to buy it.

Remember, this proposition is not with the vote of the people. This is a proposition that the legislature can authorize, without any vote of the people. I told them at the time that if they wanted pretty serious consideration of it, they better include only the Mackinac bridge. They thought they ought not to do that. Of course, that change can be made now.

It seems to me that we might better leave it for action under the proposal we have submitted to you. If it is clear, at any time, that this refunding can be made with profit to the state, $\frac{2}{3}$ vote of the legislature, and the people themselves, can authorize it. The people are not so completely ignorant of the taxes they pay that they won't save themselves some money. I am still convinced that if we had asked the people back in those years when we were borrowing this money, they would have saved themselves 2 per cent interest and authorized the building of the bridge on general obligation. But we didn't do it and we can't cry about it now. It is too late.

Suppose we don't do anything of this kind. Suppose somewhere, in some agency of the state, the bonds go sour. We have no legal obligation to meet the payment of those bonds on the bridge, on the dormitories, on this building across the street, anywhere; no legal obligation. I think, maybe, you can say that there is no moral obligation. We haven't guaranteed anybody, either by full promise or half promise, that we will pick up any sour bonds. I do think that we've got what you might call a policy obligation. We don't dare let any of those things go sour. The credit of the state is something that we've got to preserve. If the bridge should get in trouble, if the dormitories should get in trouble, if the road bonds should get in trouble, we will pick them up because we've got to preserve the credit of this state.

We did it once and we will do it again if we have to do it, but personally I don't want the responsibility of trying to persuade the people of this state that the legislature should be able to put $\frac{3}{4}$ billion or \$1 billion, depending on when you do it, of general obligations upon them without a vote that they pass upon it themselves.

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mrs. Butler.

MRS. BUTLER: I would like to speak on this amendment and ask that it be changed, that the Mackinac bridge tab be picked up by the state. For years I have heard about the help to the economy of the upper peninsula that the Mackinac bridge was going to give. But has it been? Has it helped us? The fees, instead of being decreased, have been increased at least twice. Why not give the upper peninsula a toll free access to the rest of the state? The only toll road in the state of Michigan is the Mackinac bridge. We are paying for it, but paying for it at the cost of the upper peninsula economy.

CHAIRMAN HUTCHINSON: Mr. Leibbrand.

MR. LEIBRAND: Mr. Chairman, may I request that the secretary read the proposed amendment again?

CHAIRMAN HUTCHINSON: The secretary will read the amendment.

SECRETARY CHASE: Messrs. Binkowski, Perlich and Perras offered the following amendment:

[The amendment was again read by the secretary. For text, see above, page 614.]

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Fellow.

MR. PELLOW: Mr. Chairman, fellow delegates, I would like to speak in favor of this amendment. Mr. Brake has raised the argument that we should wait and see whether or not the legislature would put this proposition on the ballot under our long term borrowing provision that we have presently before this convention. As you all will recall, this will take a 2/3 vote of the senate, as well as of the house. And most people of this state know that where the senate refused to take \$20 million in federal money, they would certainly be not likely to place this issue before the people at that time.

I would suggest that this could be placed on as a separate proposal and if the people can save \$1 million a year, I certainly would suggest that this convention owes it to the people to place this before them and allow the people themselves to decide this issue.

Mr. Brake said that he doesn't want to sell it to the people. Well, there are many of us that do want to sell it, and in the upper peninsula we certainly need this. I think that this committee and the convention owes a duty to the people of the upper peninsula to support this amendment as a proposal and to place it before the people of the state of Michigan.

CHAIRMAN HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: I would like to ask one of the sponsors of this amendment—maybe the Chair can answer this. As I heard it read, it did not provide for any vote of the people, but a mere act of the legislature to issue the so called refunding bonds; am I correct?

CHAIRMAN HUTCHINSON: The Chair so understands the amendment.

MR. W. F. HANNA: I would like to ask the sponsors, then, if you aren't opening Pandora's box, for the reason that the state could immediately build, under your proposition, any number of buildings, provide for the original financing by revenue bonds and the payment of rent, as is common in the highway building. Within one year or less—in fact, it is your proposition as I understand it, the minute the bonds were issued, the legislature by an act, could convert them into general obligation bonds. Am I correct?

MR. BRAKE: You are correct.

MR. W. F. HANNA: The trouble with revenue bond financing and building capital buildings at present is the circumvention of the people's right to approve indebtedness on one side, and the very thing that Mr. Bledsoe recognized yesterday, the shirking of the legislative body, whether it is the state legislature or the board of supervisors, of having intestinal fortitude enough to levy taxes to build capital improvements.

MR. BRAKE: The legislature has authorized the issuance of various kinds of bonds by agencies of the state, if that is what you mean.

MR. W. F. HANNA: But they could have saved money had they taken the bull by the horns and built them either by general tax revenues or general obligation bonds; am I right, Mr. Brake?

MR. BRAKE: Always, but you should address your statement to the city councils, boards of supervisors, township boards, and everybody up and down the line.

MR. W. F. HANNA: I recognize that the problem is not alone with the senate and house of the state of Michigan, but exists in cities, townships, and—

But the same problem of overpaying when you appropriate direct—in Muskegon county we went through this on the

court house. Why, revenue bonds would have cost approximately twice as much as it did to levy the general obligation tax of 1 mill.

MR. BRAKE: There shouldn't be that much difference, but the cheapest way to borrow money is always on general obligation bonds.

CHAIRMAN HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. Chairman, I rose, really, to raise the point raised by Mr. Hanna. This committee yesterday took the position, I thought rather authoritatively, that we wanted long term general obligation borrowing in the state of Michigan to be approved, in the first instance, by 2/3 vote of the members of both houses of the legislature, and then by the affirmative vote of the people.

What Mr. Hanna suggests is entirely correct: that this amendment would totally vitiate that safeguard. It would enable revenue bonds to be issued one year with nothing but a vote of the legislature, simple majority vote, no vote of the people, and be refunded, on a general obligation basis, the next year by a simple majority vote of the legislature and no vote of the people.

Now, either you want your general obligation long term borrowing in the state of Michigan approved under the safeguards recommended in the committee proposal or you don't. It is as simple as that. For that reason, I would oppose the amendment offered by Mr. Binkowski.

CHAIRMAN HUTCHINSON: Mr. Pellow, did I cut you off?

MR. PELLOW: No, sir. I haven't had an opportunity to speak.

CHAIRMAN HUTCHINSON: You may proceed.

MR. PELLOW: I would suggest to this committee that we certainly have the issue before us now of whether or not we want to trust the people of the state of Michigan. If this proposal is placed on the ballot by the constitutional convention, then the people themselves will have the right to vote on this issue and not 2/3, determined by the senate or by the house, over there, sitting in the capitol. I say to this committee that the people, when they have a chance to vote on this constitution, if they want this, they should have the right to vote in favor of it. I would strongly suggest that even if this convention will not place it on in the total package, they would at least have the courtesy to the people of the upper peninsula to place it on as a separate proposition.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: I think Mr. Brake pointed out that this, for all practical purposes, is a fiction; even though it is a legal reality, it is a practical fiction. We know, as a practical experience, that the state of Michigan is not going to let its revenue bonds, if they are in default in any place, default, because they can't afford to, because the credit of the state would be still in jeopardy if we were to do so. So, as a practical matter, we are always going to meet our obligations.

The harder we make it to pledge the full faith and credit, the easier we are going to do and the more facility it is going to be to just go on revenue bonds, and we know what happens. What we are talking about is ½ per cent to 1 per cent interest difference that we are going to continually be paying. As long as, as a practical effect, Mr. Brake admitted the state is not going to let revenue bonds default, they are, in effect, as a practical matter, actually backed by the full faith and credit of the state, even though, as a legal significance, this is not true. I think this is what is involved.

Therefore, it seems to me that we should take advantage of this, allow the full faith and credit of the state to be legally applied and save the money that we can save.

CHAIRMAN HUTCHINSON: Mr. Ford.

MR. FORD: I don't rise to disagree with Mr. Brake, but I think Mr. Hanna injected something that was confusing to me. Mr. Brake answered it quickly yes, but along with something else. Mr. Hanna started off on the proposition that this amendment would authorize the state of Michigan, itself, through the act of the legislature, directly, to begin issuing

revenue bonds of various kinds. If this is true, then I would want to see this changed in some manner. But it is my understanding of the purport of this amendment that what it would actually do with respect to the Mackinac bridge authority, for example, would be to permit the Mackinac bridge authority to refinance, if it became wise to do so by reason of the 2 factors that Mr. Brake has mentioned, the principal one being the condition, from time to time, of the bond market, but without going back to a constitutional amendment.

It has been stated here that we would be moving with some temerity to approach the people and ask them to permit the "unlimited borrowing" of \$100 million.

You are going to consider, as the next item on the agenda, as I see it, a proposition that was placed before the people in 1955 to do just that, with respect to the lending of the state's credit to the sale of school bonds for capital improvements, and this expired in July; and again, in November of 1960, the people voted to do the same thing, but without the \$100 million limitation, as I read it. There is no longer any \$100 million limitation. If this could be tied down in the same manner as the present conditions of sections 27 and 28 of article X, so that there would be no question in the people's minds of the purpose for which it was intended, I wouldn't have any objection and I don't believe that you could find any substantial objection by the people, because in both instances, on the adoption of both sections 27 and 28, I am informed that the people overwhelmingly approved the use of the state's credit behind the borrowing power of school districts.

I don't think it should be left here as an impression that it is intended to say to the legislature, "You can go out and start issuing revenue bonds that you cannot now issue." It is simply a matter of permitting them, as a legal proposition, to become a guarantor—if you will—on the note of the Mackinac bridge authority, or the Mason building authority—or whatever it is called, however they are constituted over there.

Perhaps if we explored the possibility by referring it back to the committee on finance and taxation, of placing similar limitations to this thing, it might become more palatable.

CHAIRMAN HUTCHINSON: Mr. Staiger

MR. STAIGER: In reply to Mr. Hodges, first, that this is a fiction, the committee on finance and taxation did take considerable time to seriously study this whole question. If it was a fiction, I think that you would find it wouldn't make any difference in the bond rate. However, the bondholders are willing, as you state, to take it at a considerably lower interest to have the full faith and credit. I do think that it is not there now, and if we had it it would be something different than what we have now. You are not getting something for nothing in exchange for a lower rate. You are also placing all of the state's resources behind it.

By using the vehicle that we have, and also the 2/3 of the majority vote of the people, this would permit it to be selective. It may be that the people, rather than the broad involvement that the amendment would have, which would mean that all of these revenue bonds which are now getting close to a \$1 billion, would then be free to pledge the full faith and credit upon the vote of the legislature. This will allow the people to be selective and, maybe, on the Mackinac bridge, there is reason in the near future that they would want to. On some other bond, well, maybe they will decide that they do not want the full faith and credit. This will permit the people to decide on them one at a time, by using the vehicle of the 2/3, and then a majority vote of the people. This is part of the reason that the committee came to the conclusion that they did on this question, I guess.

CHAIRMAN HUTCHINSON: Mrs. Butler.

MRS. BUTLER: I just want to say, Mr. Chairman, that about finance and taxation I know very little, except that I have been a long time taxpayer of real and personal and all the other taxes, so that I am not judging either of these proposals as really understanding them. But I would like to see the Mackinac bridge go on a separate proposal, and I sure would like to see that toll taken off of the upper peninsula.

CHAIRMAN HUTCHINSON: Mrs. Butler, are you wanting to offer an amendment at this time?

MRS. BUTLER: I would like to amend to have the Mackinac bridge considered as a separate proposal, taking the toll off.

CHAIRMAN HUTCHINSON: Do I understand, then, that you want to make that as a separate proposal? In that case, the amendment, at this time, would not be in order.

Mr. Martin.

MR. MARTIN: Mr. Chairman, at the time that this Mackinac bridge was built, I was in the senate and I did everything I could to see that it was built and that proper financing was undertaken. It wasn't finally approved until I was no longer there, but those of us on the administrative board did have something to do with the approval of the bonds which were finally issued.

This is a project which is one of the great prides of the state of Michigan. There isn't any more likelihood that we are going to let the bonds of the Mackinac bridge go bad than there is that we are not here today. There is no question, it seems to me, but what we ought, if we can, to do whatever we can to make it possible for people to get to and from the upper peninsula at the lowest possible fee. The bridge has been there long enough and the operation has been successful enough so that it, unquestionably, can be refinanced at this time with a substantial drop in the interest cost. This is a perfectly good time for us to take that question up.

The present amendment is altogether too broad. It includes all kinds of other things which might or might not be properly handled in this way. But the Mackinac bridge, taken alone, is certainly a sound proposition. It seems to me, while I would vote against the amendment that has been proposed, if an amendment were proposed to include solely the Mackinac bridge, I would vote for it, because the legislature could properly authorize the refinancing of those bonds at this time. The upper peninsula would benefit greatly and the state of Michigan would be in absolutely no danger of having to do anything which it doesn't have to do at the present time.

CHAIRMAN HUTCHINSON: Mr. Stafseth.

MR. STAFSETH: I would like to just answer one thing that Mrs. Butler, I think, implied that I think is a little bit of a misunderstanding. In the committee when we discussed the Mackinac bridge, it was given very serious consideration. However, if the state did refund the bonds by special constitutional amendment so that when the people voted for the constitution they wouldn't have to vote on it again; actually, in order to finance these bonds, I think you would find—and I think I am pretty accurate in this—that the rates would be substantially the same. You couldn't very well reduce the rates appreciably. You would have a savings in interest—there is no question about that—probably, as Mr. Brown stated, in about 4 years, if you did the refinancing then.

The purpose of the language which we propose, is to substitute for the constitutional amendment borrowing which, in the past years in our state, we used for most of our veterans' bond borrowing for world war I, world war II, the Korean war, and the hospital bonds, and then this case of the school bonds. Now, as I understand the school proposition, what the state was doing, it was loaning the credit to school districts where, when they had a bond issue—this is the case in all programs—in their setting up of their millage, in order to retire the bonds they couldn't do it because they had to go above 13 mills and this would take them out of the 15 mill limitation. But by putting the state's credit behind the bonds, then they could get a fair rate and extend the length of time to pay it back, so it was a loaning of the credit.

Now, that was the reason that these things were done. I think actually, now, that the legislature would do the very same thing. This is just to simplify it so you wouldn't have another constitutional amendment in the constitution and clutter it up with those things.

CHAIRMAN HUTCHINSON: Mr. Richards, of the Marquette district.

MR. L. W. RICHARDS: You called upon me representing Marquette county, and that is very good, Mr. Chairman. Cer-

tainly anything that is for the good of the U. P. — we delegates from the U.P. realize we are outnumbered 134 to 10 — we are certainly going to have to rely on the support of our good friends and delegates from the lower peninsula.

I am a little disturbed, and this is the first time that I was aware of this amendment. I am not too well acquainted with it. Certainly, as Mr. Martin has stated here, the possibility of handling this particular proposition individually, if that was a possibility, I would like to have it referred back to finance and taxation, as Mr. Ford has suggested. And I realize we are very disturbed when we keep referring these things. We like to get these things accomplished as we proceed with them. But the economy of the upper peninsula is very important to us, and I might add that it does disturb me greatly when I come back into the lower peninsula and pay \$3.75, and I enjoy it somewhat when I pay the \$3.75 to go back into the U.P. We like to get that angle in there.

But I would certainly, and if it is in order, like to make a motion when the committee rises, to have it referred to finance and taxation for further study where this could get separate consideration.

CHAIRMAN HUTCHINSON: Mr. Richards of Marquette moves that when the committee rise, it recommend that the proposal now before us be referred to the committee on finance and taxation. On that motion, Mr. Brake.

MR. BRAKE: I certainly oppose the motion. The committee has given this very careful consideration and I have no idea whatsoever that the committee would change its mind upon it. Mr. Martin and you, Mr. Richards, I think are working under considerable misapprehension. The bridge is there. They even let the people from the upper peninsula cross it. If you think that that bridge is going to be run without any tolls and that the people of this state are going to pay \$100 million plus interest from general taxation, not attempting to get any of it from the tolls, you are certainly taking a long, long chance.

CHAIRMAN HUTCHINSON: The Chair would like to state that the Chair was in error. The practice in this convention differs, in some respects, from the practice in the legislature, and this is one of them. Under our rules, I am advised that a motion to commit is subservient to amendments to the proposal. In other words, the question before the committee at this time continues to be the amendment offered by Mr. Binkowski, which we have been debating. So that on the amendment of Mr. Binkowski, the Chair would next recognize Mr. Perras.

MR. PERRAS: I want to quote something that was given to the committee on education at Marquette by Mr. Holloway concerning the mighty bridge. He had this and everybody seemed to enjoy it, and I thought it might inject something here. He said that it is intended to make people think twice about the subject of equality and opportunity and fairness of representation.

Let us rewrite article I, section 2 of the constitution to move the seat of government from Lansing, where it is now established, to the straits of Mackinac, the geographical center of the state, where the senate will reside in Mackinaw City and the house of representatives in St. Ignace, at each end of the mighty Mackinac bridge. I am sure that the legislature would soon be impressed by the \$3.75 toll charge placed upon each person who attends a conference in southern Michigan. While millions of dollars worth of toll free bridges and highways carry our southern compatriots leisurely from meeting to meeting, we not only must travel great distances but also pay a \$3.75 fee for the privilege.

Needless to say we do not object to the return charge because we know it is worth it to return to that area of the state where it is first said, "If you seek a beautiful peninsula, look about you." (laughter)

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: In answer to Mr. Staiger's comment about a fiction, I think we come back to what Mr. Martin just said a minute ago. The people of Michigan certainly are not going to

let, whether they are revenue bonds or faith and credit bonds, a default of the bridge bonds come about. But I think this is equally true to the other bonds. They are given to purposes that are necessary for this state, such as building dormitories and the Mason building, and so on. Certainly no one in this state is going to, in the legislature or elsewhere, let a default occur on these bonds, and that is the only realistic picture.

Certainly, I suppose, in some states, there would be a justification for doubting the sincerity or the wisdom of taking revenue bonds, and because of this you have a disparity in interest rates. This is something that I don't think exists in the state of Michigan, and I think we should try, if at all possible, to get the lowest interest rates possible, even if it means putting everything under full faith and credit bonds.

CHAIRMAN HUTCHINSON: Miss Donnelly.

MISS DONNELLY: I would like to ask D. Hale Brake, through the Chair, this question: part of this argument is particularly about Mackinac bridge — which I am sure we are all interested in and we all want to help the upper peninsula — but as I understand it, the committee proposal, the committee proposal as adopted, and assuming the constitution is adopted, would allow this very issue to be placed in front of the voters in 1964, and take care of the refinancing at the time they think it should be done; is this correct, Mr. Brake?

MR. BRAKE: As we have the proposed amendment before us, it would permit the legislature to act as soon as the constitution is adopted. Replying not only to you, but to Mr. Martin, the authority itself said it was not ready for refunding, that some time, some years, maybe '65, '66, somewhere along there, they might be ready for an attempt at refunding. If, at that time, it is advisable, the legislature can submit the question to the people, and if there is money to be saved I think they have no reason to fear that the people will go along on it.

MISS DONNELLY: Well then, in effect, your committee proposal, without any of this amendment, will take care of this at the time it is necessary to have it refunded, is that not right?

MR. BRAKE: That is the judgment of the committee.

CHAIRMAN HUTCHINSON: Mr. Van Dusen.

MR. VANDUSEN: I have risen, Mr. Chairman, only to make the precise point which Miss Donnelly and Mr. Brake have now covered.

CHAIRMAN HUTCHINSON: Mrs. Butler.

MRS. BUTLER: I just want to restate that there are many 4 lane highways in the lower peninsula. We have one short 4 lane highway in the upper peninsula, and the plans up to 1968, I think, are for still this one 50 mile 4 lane highway. There are no tolls on the highways in the lower peninsula and to wait until the Mackinac bridge authority gets around to it in '66, '67 or '68 is a long time to wait for the economy to change. I would like to at this time support Mr. Martin's suggestion.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Binkowski. Mr. Pellow.

MR. PELLOW: I would agree with the chairman of our committee that there isn't any sense in sending it back to the committee, since this was argued before the committee by the chairman and it apparently was the consensus of opinion among the majority of Republicans that there wasn't any use to place this issue before the people at this time, but to wait and rely on their good judgment at a future date. I say to this committee that the time is here and now to place this issue on the ballot before the people so that they will have an opportunity to vote on it, and then the Mackinac bridge authority can ready themselves and take care of this issue in order to have it all set for the ballot. I have no argument with Mr. Martin. I think he makes a good point, and I would support Mr. Martin's suggested amendment to Mr. Binkowski's amendment, that the Mackinac bridge authority be placed on as a separate proposal, and that this committee act on it now.

CHAIRMAN HUTCHINSON: The Chair does not understand that Mr. Martin has offered an amendment. Has he?

MR. MARTIN: No, Mr. Chairman, Mr. Martin has no

amendment. He only wanted to correct an impression that Mr. Brake suggested that I might think that this would make a toll free bridge. Of course, it wouldn't make a toll free bridge. It only reduces the amount of interest paid and the fees of the bridge have to be determined by how much is required for interest and payment on principal in the establishment of a reserve. The less we have to pay on that, the lower the cost of financing, the lower the fees can be, as I understand it. I don't have the terms of the bond indenture in front of me, but I believe that is the situation.

MR. BRAKE: Mr. Chairman, I want to protest against what Mr. Pellow just said. This was not a Republican vote. There was no politics in the committee in connection with this matter whatsoever. I would like to yield to Mr. Austin.

CHAIRMAN HUTCHINSON: Mr. Brake yields to Mr. Austin.

MR. AUSTIN: Mr. Chairman and members of the committee, I would like to confirm Mr. Brake's comment, that this was not a partisan issue within the committee.

CHAIRMAN HUTCHINSON: Mr. Richards.

MR. L. W. RICHARDS: Mr. Chairman, one of the points I wanted to clear up, that Mr. Brake interpreted my remarks to mean that I was endeavoring to have a toll free bridge. It was something in the clarification Mr. Martin has made, but I will have to admit that at times I am working under misapprehension.

CHAIRMAN HUTCHINSON: Mr. Ostrow.

MR. OSTROW: Mr. Chairman, I think I am somewhat responsible for the beginning of this issue; this is not a Mackinac bridge issue. It started originally when we had our first public hearing on earmarking of funds. At that time it developed that the state was paying 3.9 per cent interest on highway revenue bonds. In the testimony we elicited the fact that had those been full faith and credit bonds, the interest rate would have been 3.40 per cent. There is still \$190 million in highway bonds to be issued, and I asked why we couldn't make those full faith and credit bonds to save the state $\frac{1}{2}$ of 1 per cent of interest a year. That was prior to the time that Prentiss Brown appeared before our committee.

In the discussions before the committee, it was pointed out that we had this Stevens T. Mason building. We had other revenue bond issues outstanding. Prentiss Brown testified, and then Dean Doty and I introduced a proposal which was substantially in the form of Mr. Binkowski's amendment. What we were trying to do — and it was not just for Mackinac bridge — realizing that the state of Michigan would not let its bonds go into default, was save the people of the state of Michigan the difference between the rates they were paying and the rates they would pay on full faith and credit bonds.

In the working out of the mechanics of that, the consensus of opinion within the committee was that this form of proposal would be best; that this is not an upper peninsula matter, nor is it a Mackinac bridge matter. It relates, at least that was my understanding in the committee, to all of this type of bond issue.

CHAIRMAN HUTCHINSON: Mr. Dell.

MR. DELL: Mr. Chairman, I should be in sympathy with this discussion because I live in the upper peninsula but I don't see this entirely as an upper peninsula project. The bridge was built for the state of Michigan. It seems to me that the committee proposal is opening up the opportunity to give us an opportunity to present this to the people later on as an issue in itself and not confuse it with the entire constitution.

For that reason, I will go along with the committee proposal. I think, too, that possibly over the past years, I know pretty well the history of this entire project. I have lived it for a good many years. I am happy to see the bridge there. I appreciate that we must pay tolls and that the revenue bonds — let this committee proposal go through and then we will take this up — what has been said on the floor here — at a later date. Thank you.

CHAIRMAN HUTCHINSON: Mr. Lundgren.

MR. LUNDGREN: I rise in support of the committee

proposal here today and against the amendment because, as Mr. Dell has just so ably stated it, he comes from St. Ignace, right at the end of the bridge; he knows the history of the whole bridge. And I, just in retrospect, would like to tell you people, when I ran for the constitutional convention my opponent's main cry and the main amount of money that he spent for advertising, both on radio, the newspaper — I saw and heard it all over the 7 counties — was the issue of making the Mackinac bridge toll free. And I got quite scared about that and I traveled around quite a bit. But come the day when the election votes were in, I won by 4,000 votes. So therefore, making the bridge toll free, in our area, was not quite the issue that we thought it might be. So I would just like to let the people here know about that, and support the committee with what Mr. Brake said, that in the future, when the time comes — as I know it is going to come as well as Mr. Brown knows it is going to come — we will have to have another look see at the bridge but now is not the time.

CHAIRMAN HUTCHINSON: Mr. Doty of Eaton.

MR. DEAN DOTY: Mr. Chairman and members of the committee, I rise to urge you to support the committee report. I would like to remind you that this is not a partisan issue. Mr. Ostrow and I introduced this proposal that he spoke about. It has been taken care of by the committee. We have full confidence in this provision doing the job, and I urge you to support the committee report.

CHAIRMAN HUTCHINSON: Dr. Nord.

MR. NORD: Mr. Chairman, first of all, I would like to say that I am generally very much in accord with the committee position, and I would not be in favor of the Binkowski amendment in its broad form. I am persuaded by some of the remarks made by the delegates that we ought, at least, at this convention raise the question in a separate form as to the Mackinac bridge, so that we can determine what our position is on that. I gather that Mrs. Butler would have made such an amendment, and maybe some others would have offered this amendment just so that we could determine what our position is on that.

The reason, I gather, that it has not been forwarded is that nobody has the exact text before them; it is difficult to do. Therefore, what I am proposing to do now is to offer an amendment which would be, let's say, an inartfully drawn amendment, but at least it would put before you the objective and then, in the event that it should be adopted, it could be straightened out by the style and drafting committee. I realize the style and drafting committee is not enthusiastic about doing that, but the intention would be absolutely clear.

The amendment I would offer and I do offer — and I will forward it to the desk in a moment — would be this inartfully drawn language:

1. Amend the amendment after the last word "pledge" by inserting a colon and "Provided however, That this provision shall apply only to Mackinac bridge authority bonds".

As I say, my purpose in offering this amendment to the Binkowski amendment is to give the members of this committee an opportunity to vote on the separate issue, without worrying about the details of the language. If it should be adopted, I am sure that the intention will be crystal clear. It could be then handed to the style and drafting committee.

As to the merits of this amendment, it seems to me that the broad proposal, the broad amendment before us, is too big. It does, in effect, support everything that went before. But the question then is whether there is any reason to take a special look at the Mackinac bridge, and it seems to me there is a reason to do that. The reason is that that is the link between one part of the state and the other, and there is no other analogous situation that I am aware of.

I do think we want to strengthen the link between those two to make it possible to have freer transportation back and forth and I agree, I am certain there is no partisan problem involved here. But I believe we ought to have a chance to vote on this issue, and I would further urge that you accept the amendment to the amendment.

CHAIRMAN HUTCHINSON: Mr. Nord offers an amend-

ment to the amendment of Mr. Binkowski, the sense of which, as the Chair understands it, would limit the proposition to the Mackinac bridge. Mr. Upton.

MR. UPTON: I would speak against this amendment, as I planned to speak against the amendment of Mr. Binkowski. To me, this is putting in strictly language that should be handled by our legislature. I believe that the language that we have put in before this committee of the whole will cover any item that the legislature or the people wish to take under consideration for long term borrowing.

Just one other comment, in reviewing our action journal of December 20 of our committee, it shows that Mr. Pellow did vote for this proposal as presented by the committee.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: This is a much more reasonable proposition than that offered by Mr. Binkowski but I still oppose it. I am sure that the committee still opposes it. I do agree with what Mr. Nord said, if we are to vote, we should vote on the general idea and not send it back to committee in order to get refined language.

If you are in favor of this proposition, the language can be taken care of by maybe one day's delay. But, bear in mind while this is just the bridge, it is \$99,800,000 now. Interest for possibly 40 years hence, that is a lot of money. Even in the economy at the present time, it is a lot of money. It is not going to result in a toll free bridge at all. You are still going to have to pay those tolls. Let's let the people have a chance to say whether or not they want to burden themselves with that kind of an obligation.

CHAIRMAN HUTCHINSON: The Chair noted that Mr. Downs was seeking recognition. Do you desire to speak on the amendment to the amendment?

MR. DOWNS: No, I wish to speak on the original amendment. I do have a point of parliamentary inquiry, Mr. Chairman, if I may state it at this time. As I understand it, we first vote on the amendment to the amendment and then the amendment.

CHAIRMAN HUTCHINSON: That is correct.

MR. DOWNS: Would it be in order to make a motion that we vote on the amendment first? The reason I say that is I, for one, would favor the amendment that was introduced and, if that lost, I would favor the narrower provision, namely, the Mackinac bridge. If a motion is in order to vote on the amendment first, I would make such a motion. If it is not in order, I will not make it.

CHAIRMAN HUTCHINSON: The Chair would rule that it would not be in order for the reason that if the course of action proposed by the gentleman should be followed, and the original amendment should fail, you see, there would be nothing for the amendment to fasten to.

Mr. Hanna.

MR. W. F. HANNA: I would like to address a question to Mr. Brake, when he is free or maybe some other member of the finance committee could answer it. Mr. Brake, in your committee on finance and taxation, have you explored at all the possibility of issuing revenue bonds to which the full faith and credit of the state of Michigan is attached, which is, in effect, saying dedicated revenue in another language, but with a vote of the people?

Now, what perturbs me, in both the amendments, whether it is the Mackinac bridge or Mr. Binkowski's, is the ability to issue, in effect, general obligation bonds without a vote of the people. We want to give the legislature power to issue general obligation bonds in the first instance, without any vote of the people; then it seems to me that your whole paragraph preceding this falls. If we limit this to full faith and credit of revenue bonds or if we limit this to revenue bonds that are outstanding but insist in the Binkowski amendment that any refunding be subject to the approval of the people, have we accomplished the safeguard, even though those revenue bonds, the question of refunding under general obligation bonds, was submitted to the people only by a majority vote?

MR. BRAKE: You would have safety if you regard the liability for 3/4 of \$1 million to be safe. That is about where

we stand now. You could prevent the use of full faith and credit in connection with revenue bonds in the future or you could permit it.

MR. W. F. HANNA: Let me ask you a second question. Would you have any objection to the Binkowski amendment if it were amended to provide that the revenue refunding bonds would be general obligations, if approved by a majority of the legislature and by the people?

MR. BRAKE: We don't object to any borrowing that the people want to approve. That's what we've got here.

MR. W. F. HANNA: You are not insisting on the 2/3 majority of the house or legislature to submit the question of refunding revenue bonds by G. O.'s? If it is subject to the vote of the people, would you still require a 2/3 majority of both houses?

MR. BRAKE: That specific question in that form was not considered by the committee. Personally, I would oppose it. I think that there should always be a 2/3 vote of the legislature before this kind of a proposition goes to the people.

MR. W. F. HANNA: Mr. Brake, do you allow revenue bonds or authorities to be issued, authorities to be established with power to issue revenue bonds? In that respect, do you require a 2/3 vote?

MR. BRAKE: No. That is done by general act of the legislature.

MR. W. F. HANNA: Wouldn't you think, then, that if the bonds were at a refunding, I mean, if this were limited to refunding of revenue bonds, and you have a practical matter of the call put in there, that upon refunding of outstanding revenue bonds a majority of the legislature, subject to a vote of the people, would be sufficient?

MR. BRAKE: I think not.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Nord to the amendment of Mr. Binkowski, the sense of which, as the Chair understands it, would limit the amendment to the Mackinac bridge. Mr. Rush.

MR. RUSH: I rise to support what Mr. Brake has just stated. I believe we have the machinery set up in the committee report that will take care of this matter, and therefore I am very much opposed to both the amendment and the amendment to the amendment.

CHAIRMAN HUTCHINSON: Mr. Tubbs.

MR. TUBBS: Mr. Chairman, it seems to me that I ought to rise to a point of information. I think there is some misunderstanding in the reports that have been given here. As I understand it, this will apply only to revenue bonds, and I would like to ask Mr. Brake if this is not true; that these revenue bonds will remain as they are. They are simply going to be guaranteed by the full faith and credit of the state of Michigan.

MR. BRAKE: In the first place, the first part of your statement is not correct. All of these outstanding bonds of the other agencies of the state are not revenue bonds. The more than \$300 million of highway bonds are not revenue bonds; they are tax anticipation bonds.

MR. TUBBS: Well, a tax anticipation bond means that the person who is going to pay the money has to collect it from a certain fund, certain taxes that are anticipated or certain revenues from something else.

MR. BRAKE: That is right.

MR. TUBBS: So that the money of the state of Michigan, which might be raised by the taxpayers, is only a secondary obligation.

MR. BRAKE: It would be expected, I would assume, in case of any refunding, that the source of revenue would be continued.

MR. TUBBS: So that the Mackinac bridge authority would still have to pay for these bonds out of revenues derived from the bridge.

MR. BRAKE: If the revenues were sufficient, I should think that they—

MR. TUBBS: But aren't they required under the terms of the bonds to make the revenue sufficient to pay them?

MR. BRAKE: Yes, they are.

MR. TUBBS: Well, then, all we are doing is guaranteeing that the bridge authority will pay for these bonds out of the revenues derived from the bonds.

MR. BRAKE: And guaranteeing that if the revenues are insufficient, we will raise tax money to make the difference.

MR. TUBBS: That is, we are guaranteeing that the authority, if it does not increase the revenue of the bridge enough to pay for the bonds, the state of Michigan will pay for them.

MR. BRAKE: Right.

MR. TUBBS: We would have a remedy, however, against the bridge authority, would we not?

MR. BRAKE: I wouldn't know how the state would sue the bridge authority.

MR. TUBBS: Don't you think the state of Michigan could compel the bridge authority, as the bondholders can, to raise revenue enough to pay for these bonds?

MR. BRAKE: It might be impossible.

MR. TUBBS: You mean the bridge might go kaput.

CHAIRMAN HUTCHINSON: Mr. Habermehl, on the amendment to the amendment.

MR. HABERMEHL: Yes, Mr. Chairman. If I understand this correctly, the real contention seems to be on the question of a 2/3 vote of the members elect of both houses. There is no question but that under the language of the committee proposal, the question of the Mackinac bridge refunding can be submitted to the people, and I believe there have been several suggestions here that this be placed as a separate section before the people for adoption. I suggest that the vote on that would be precisely the same, on precisely the same question, as it would if an action or a proposal were made under the committee's language. Therefore, the only difference that there could be is that one would require a majority vote under Mr. Binkowski's amendment, and under Dr. Nord's amendment, the other would require a 2/3 vote.

MR. BRAKE: Mr. Habermehl, you have not correctly reached your conclusion. The difference and the main difference is that under Mr. Binkowski's amendment and under Dr. Nord's amendment there would be no vote of the people.

MR. HABERMEHL: Except for the idea that they want to submit this as a separate section of the constitution for adoption by the people.

MR. BRAKE: Their amendment does not include a vote of the people at any time or in any way. It is legislative action pure and simple.

MR. HABERMEHL: I would like to, in addition, ask a question of Mr. Brake, though. These building authorities, which is the method of financing some of these capital improvements, require only passage by the legislature, do they not?

MR. BRAKE: I assume you are talking about the court house in Delta county and St. Clair and so forth? They operate under a general statute, not one that is passed for each particular place.

MR. HABERMEHL: Requiring only a majority vote?

MR. BRAKE: A general statute that is passed by a majority vote.

MR. HABERMEHL: I would oppose both amendments, first of all on the grounds that whenever money is going to be raised, it seems to me fundamental that the people ought to have a voice in the matter, and on the second ground, that I believe the proposers of these amendments can accomplish what they wish to under the language proposed by the committee.

CHAIRMAN HUTCHINSON: Mr. Higgs.

MR. HIGGS: I believe, Mr. Chairman, that what I had expected to speak upon has just been clarified and established by the discussion between Mr. Habermehl and Mr. Brake, and for those same reasons I would oppose the Nord amendment and the Binkowski amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment to the amendment. Mr. Goebel.

MR. GOEBEL: Mr. Chairman, I object to the Binkowski

amendment and the amendment to the amendment by Mr. Nord. This involves, in my judgment, if I read the amendment correctly, the question of putting about \$900 million of revenue bonds under a general obligation bond issue and I do not feel that we should do that very lightly.

We have, for a great many years, provided in our constitution for a provision which would make it rather difficult, you might say, in order for the state to accept a general obligation bond. If we adopt the Binkowski amendment, also Dr. Nord's as far as that is concerned, we will be making about \$900 million, or roughly that amount of money, a general obligation of the state; and referring specifically to Mr. Nord's amendment, the Mackinac bridge, in my judgment, for what it is worth, is not in a position yet, where the bonds should be refunded, and I think that under the provisions as submitted by this committee, we can, at any time that it is deemed necessary, have a vote of the people on the Mackinac bridge and provide for a general obligation. That is by a vote of the people, as provided for in the long term borrowing provision of the committee, which has just been presented to you.

CHAIRMAN HUTCHINSON: On Mr. Nord's amendment to the Binkowski amendment, all those in favor will say aye. Those opposed will say no.

The amendment to the amendment is not adopted.

The question is upon the original amendment offered by Mr. Binkowski. All those in favor will say aye. All those opposed will say no.

The amendment is not adopted.

The question now is upon the motion made by Mr. Richards of Marquette. Mr. Richards.

MR. L. W. RICHARDS: I will withdraw that motion, seeing the results of the other two.

CHAIRMAN HUTCHINSON: Have we got some other amendments? The secretary will present the next amendment. Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, I don't think it ought to go unnoticed, as long as we are discussing this bridge question, that perhaps the father of the bridge, who was a bachelor at the time, is presiding over this session. (laughter and applause)

CHAIRMAN HUTCHINSON: The Chair regrets that it is unable to respond to that. When I get on the floor, I can elucidate further. I don't claim to be the father of the bridge.

Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I am still concerned with one matter of the committee proposal. I think the argument this afternoon developed the fact that revenue bonds, authorized by a simple majority vote of both houses, are seldom a very good answer to the state's financing of capital improvements.

I asked Mr. Brake a question about these authorities, which is another method, actually, of financing capital improvements. This method also was adopted by majority vote of both houses, and it, again, has some very serious financial defects. Aside from the fact that they are financed by revenue bonds with a higher rate of interest, in addition, you have the cost of administration of the building authority itself, which can be, in some instances, a pretty serious item.

In view of that, I wonder why we make it more difficult to get before the people the question of a G. O. bond or general obligation bond, as we do in this proposal? To the end of not putting a general obligation bond or not making a general obligation bond more difficult as a method of financing than a revenue bond or a building authority, I would move for reconsideration of Mr. Down's motion, or amendment, made yesterday, which would require only a simple majority of both houses.

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: In the first place, may I say, Mr. Habermehl, that you are finding fault with the method of financing that is the prevalent method of financing on every level of government from the state down to the township at the present time. Townships, cities, villages, everybody is using revenue bonds. If you are going to upset part of that, you will need to upset the whole thing.

As far as a 2/3 majority is concerned, I think I have stated my position. It isn't the intent that this shall be used often. It is for unusual situations, emergencies, times when we must have considerable money, and it ought to be done on a conservative basis.

CHAIRMAN HUTCHINSON: The question, as the Chair understands it, is now upon the motion of Mr. Habermehl to reconsider the vote by which Mr. Downs' amendment of yesterday — which the secretary will now read — was defeated. The Chair would say that the question is properly upon the subject of reconsideration and not properly upon the merits of the amendment. Mr. Hodges.

MR. HODGES: Speaking in favor of the reconsideration, I think Mr. Habermehl's point is well taken, and it is what I suggested a few moments ago; that by making it more and more difficult, by setting up 2/3 and a vote of the people to take full faith and credit bonds, we force the state into more and more revenue bond financing at a higher interest rate, and in the long run, we are costing the people of the state of Michigan much more money than necessary, and for that reason I support the Habermehl motion for reconsideration.

CHAIRMAN HUTCHINSON: The secretary will now read the amendment which Mr. Habermehl now moves to reconsider.

SECRETARY CHASE: Mr. Downs, on yesterday, offered the following amendment:

[The amendment was again read by the secretary. For text, see above, page 610.]

CHAIRMAN HUTCHINSON: The question now is not properly upon that amendment. The question is upon whether we shall reconsider it. Mr. Staiger.

MR. STAIGER: I will start out by saying, on this question of reconsidering, this would not make it that much easier to make any difference in revenue bonds, because you still, on full faith and credit, have the vote of the people, so with that hurdle in mind, just by making it a majority and then a vote of the people, compared to revenue bonds, which is by a simple majority of the legislature and no vote of the people, you are not going to discourage revenue bonds by that type of an amendment, in my opinion.

CHAIRMAN HUTCHINSON: The question is shall we reconsider? Mr. Faxon.

MR. FAXON: Mr. Chairman, the secretary did not read the proposed reconsideration with the amendment that was already adopted earlier by the committee of the whole. Could he read that with the amendment? There was some confusion on that when he read it.

SECRETARY CHASE: Thank you, Mr. Faxon. The amendment, previously adopted, was in line 13 after "proposed by" by striking out "the legislature by" and inserting "an act of the legislature requiring," which the secretary does not see as being affected by this amendment that is being reconsidered.

CHAIRMAN HUTCHINSON: The reconsideration of the amendment now before the committee would not, in any way, carry with or affect the amendment which the committee has heretofore adopted, upon your offer. The question is the reconsideration of this amendment. All those in favor of reconsidering will say aye. Those opposed will say no.

The motion to reconsider does not prevail.

SECRETARY CHASE: Mr. Stevens offers the following amendment:

1. Amend page 2, line 14, after "members" by striking out "elect" and inserting "elected".

CHAIRMAN HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, I didn't get much consideration when I asked about this yesterday. I intended to leave it to style and drafting, but inasmuch as we are taking the time to put in things which in no way change it as it was in the beginning, I thought we might as well make this correction in grammar and make it consistent with the 1908 constitution. I refer you to article V, sections 15, 36 and 24. There are 3 pages where this term is used, and in each one the word is in the past tense, so

that it reads, "either 2/3 or majority of the members elected."

CHAIRMAN HUTCHINSON: The question is on the amendment of Mr. Stevens. Mr. Van Dusen.

MR. VAN DUSEN: Mr. Chairman, if we are to follow the suggestion of Mr. Stevens and correct the grammar and make the language consistent with the 1908 constitution, we should then change the following word, which is now "of" to "to".

CHAIRMAN HUTCHINSON: I would judge that that would not be a proper amendment to the amendment that is now before the committee.

MR. VAN DUSEN: Might I ask, Mr. Chairman, if Mr. Stevens would incorporate that in his amendment, in view of his concern for consistency in grammar?

MR. STEVENS: I have no objection. I think either one is right. I agree with you, Mr. Van Dusen, that should be "to".

CHAIRMAN HUTCHINSON: Mr. Stevens revises his amendment to:

1. Amend page 2, line 14, after "members" by striking out "elect of" and inserting "elected to".

All those in favor will say aye. Those opposed, no.

The amendment is adopted.

Are there any further amendments to section b of this proposal? If not, section b will pass. Oh, there is another one.

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

1. Amend page 2, line 13, after "affirmative" by striking out "2/3" and inserting "a majority".

CHAIRMAN HUTCHINSON: Mr. Mahinske.

MR. MAHINSKE: In reality, Mr. Chairman, this is putting to a vote exactly what we have just voted down reconsideration of, except that I dropped the word "simple" here. I think that this will cure the looseness of the Binkowski amendment, and at the same time cure the strictness of the committee proposal. What this will, in essence, call for is a majority vote of both houses and then the proposition shall be submitted to the people.

CHAIRMAN HUTCHINSON: The Chair will rule that the committee has just decided this question by refusal to reconsider, and therefore does not think that the amendment is in order. The committee has already decided this question.

MR. MAHINSKE: Is this the ruling of the Chair?

CHAIRMAN HUTCHINSON: This is the ruling of the Chair.

Are there any further amendments to section b?

SECRETARY CHASE: None on file, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman and delegates, I would just like to point out in this last amendment that we just made, we said "elected to both houses." I don't believe anybody is elected to both houses. I would like to amend from "both" to "each".

CHAIRMAN HUTCHINSON: Judge Dehnke.

MR. DEHNKE: I just want to point out, yesterday and today we spent a considerable amount of time on something that clearly belongs to the jurisdiction of the committee on style and drafting.

CHAIRMAN HUTCHINSON: Does Mr. Shanahan insist on his amendment? Mr. Shanahan withdraws his amendment.

Are there any further amendments to section b?

If not, it will pass.

Section b, as amended, is passed and the secretary will read the next section.

SECRETARY CHASE: Section c:

[Section c was read by the secretary. For text, see above, page 603.]

CHAIRMAN HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, the language, the first part of the language, as you note, is the old provision from the constitution. We have added the words "except as authorized in this constitution," because, since 1952 the state has loaned its credit in con-

in Michigan's school districts. And it became apparent in 1960 that its provisions should be renewed. Therefore, the legislature proposed its extension for a 10 year period beginning in July of 1962 and running through July of 1972. They took off the \$100 million limit because during the entire period, only a figure under \$2 million had been borrowed by the state and loaned to school districts in support of their bonds, and made certain other minor changes. This amendment was adopted by the people, overwhelmingly, in the fall of 1960.

What this committee now proposes is a consolidation of sections 27 and 28 into a single section, continuing the provisions of section 28, as adopted by the people in 1960, with only one change, that being the elimination of the termination date in 1972. It is the feeling of the committee that if this system is good, and 5 years' experience has proved it to be, then it should continue for the foreseeable future, and rather than putting the legislature and the people to the problem of reenacting it and extending it in 1972, it would be better to simply put it in without any terminal date and, if it eventually outlives its usefulness, it can be removed by constitutional amendment. The committee strongly supports its adoption.

CHAIRMAN HUTCHINSON: Are there any amendments to section d? Mr. Marshall.

MR. MARSHALL: May I ask a question of Mr. Van Dusen? Dick, this is rather complicated for me, but I can go along with it if I can have your assurance it isn't a gimmick.

MR. VAN DUSEN: You have my assurance. I wish Mr. Ostrow would come back so he could give you his.

CHAIRMAN HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I just have a couple of questions to address to Mr. Van Dusen. I have had some experience in this field, Mr. Van Dusen, and is it true that on not more than a half dozen occasions, these loans have actually been made to school districts?

MR. VAN DUSEN: I think the number is a very modest one. I can't quote the actual figures. As I indicated, the total dollar amount is less than \$2 million.

MR. HABERMEHL: Was the committee aware, too, that in the sale of school bonds now, the market for such bonds is diminished unless the bonds have been qualified as provided by this section?

MR. VAN DUSEN: Virtually all bonds of a type which you and I would like to see issued are qualified, Mr. Habermehl.

MR. HABERMEHL: And the department of public instruction, of course, imposes a fee for such qualifications running from a minimum of \$200, I believe, up to about \$500.

MR. VAN DUSEN: I think the committee did not get into the details of the fee charged by the department of public instruction. I trust it is not a revenue issue on the department's part but simply a method to recoup its cost on reviewing them.

MR. HABERMEHL: I simply asked the questions to see if those matters had been considered by the committee. I have no objection to the proposal.

CHAIRMAN HUTCHINSON: Are there any proposed amendments to section d of the proposal? If not, it will pass. Section d is passed.

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

Committee Proposal 23, as amended, is passed.

Mr. Brake.

MR. BRAKE: May I thank the ladies and gentlemen of the committee for their consideration, and I move that the committee rise.

CHAIRMAN HUTCHINSON: The question is upon the motion made by Mr. Brake that the committee do now rise. All those in favor will say aye. Those opposed will say no. The motion prevails. The committee has risen.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal on which the secretary will make a detailed report.

SECRETARY CHASE: The committee of the whole, Mr. President, has had under consideration **Committee Proposal 23**, A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution; reports this proposal back to the convention with amendments, recommending the amendments be agreed to and the proposal, as thus amended, do pass.

[The following are the amendments recommended by the committee of the whole:

1. Amend page 2, line 13, after "proposed by" by striking out "the legislature by" and inserting "an act of the legislature requiring".

2. Amend page 2, line 14, after "members" by striking out "elect of" and inserting "elected to".]

PRESIDENT NISBET: The question is on agreeing to the amendments. Mr. Downs.

MR. DOWNS: I ask that section b and section c be divided.

PRESIDENT NISBET: The question is on the — Mr. Downs, do you wish to make another amendment?

MR. DOWNS: I believe another amendment is on the secretary's desk.

PRESIDENT NISBET: Mr. Chase informs me that the question would be on the approval of these amendments, and then if you care to make a subsequent amendment, that is your privilege. The vote should be, first, on the committee amendments.

MR. DOWNS: Mr. President, I just want to be sure on the parliamentary procedure. I understand that there are amendments on section b and section c on the secretary's desk, and your ruling is that we vote on the committee amendments first and then we will have the opportunity to vote on the amendments that have been filed with the secretary, is that correct?

PRESIDENT NISBET: That is correct.

The question is on agreeing to the amendments made by the committee of the whole. Those in favor say aye. Opposed, no.

The amendments are agreed to.

SECRETARY CHASE: The first amendment, by Mr. Perlich:

1. Amend page 2, line 17, after the end of line 17, by adding the following paragraph:

"The legislature is authorized by general law or laws to irrevocably pledge the full faith and credit of the state of Michigan for the payment of the principal of and interest on bonds or refunding bonds to be issued by the state, or any of its officers, boards, agencies, commissions, departments, or special authorities pursuant to law, and payable out of specific taxes, tolls, fees, charges or other specifically designated and earmarked revenues. Such law or laws may also provide that the specific taxes, tolls, fees, charges or other specifically designated and earmarked revenues out of which said bonds are payable shall be continued and used to the extent necessary to provide reimbursement to the state for any money paid by it pursuant to said full faith and credit pledge: Provided however, That this provision shall apply only to the Mackinac bridge authority bonds."

PRESIDENT NISBET: Mr. Perlich.

MR. PERLICH: Because of the extensive discussion on this subject, there is nothing more for me to add, and I ask for a roll call vote.

PRESIDENT NISBET: Mr. Perlich has asked for a roll call vote. Is the demand seconded? There is sufficient number up.

Those in favor of the amendment as proposed by Mr. Perlich, will vote aye. Those opposed will vote no.

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

The roll was called and the delegates voted as follows:

YEAS — 46

Austin	Greene	Murphy
Baginski	Hart, Miss	Nord
Balcer	Hatcher, Mrs.	Norris
Barthwell	Hodges	Pellow
Blinkowski	Hood	Perlich
Bledsoe	Kelsey	Rajkovich
Brown, T. S.	Krolkowski	Richards, L. W.
Buback	Lesinski	Sablich
Cushman, Mrs.	Liberato	Snyder
Dell	Madar	Spitler
Downs	Mahinske	Stopczynski
Elliott, Mrs. Daisy	Marshall	Suzore
Faxon	Martin	Wilkowski
Follo	McCauley	Young
Ford	McGowan, Miss	Youngblood
Garvin		

NAYS — 85

Allen	Hannah, J. A.	Pollock
Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettie
Batchelor	Heideman	Pugsley
Beaman	Higgs	Radka
Bentley	Howes	Richards, J. B.
Bonisteel	Hoxie	Rood
Boothby	Hubbs	Rush
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Shanahan
Danhof	King	Sharpe
Davis	Kirk, S.	Sleder
Dehnke	Knirk, B.	Stafseth
DeVries	Koeze, Mrs.	Staiger
Donnelly, Miss	Kuhn	Stamm
Doty, Donald	Lawrence	Sterrett
Erickson	Leibrand	Stevens
Everett	Leppien	Tubbs
Farnsworth	Lundgren	Turner
Figy	McAllister	Tweedie
Finch	McLogan	Upton
Gadola	Millard	Van Dusen
Goebel	Mosier	Wanger
Gover	Page	Wood
Gust	Perras	Woolfenden
Habermehl	Plank	Yeager
Hanna, W. F.		

On the question of the adoption of the amendment offered by Mr. Perlich, the yeas are 46; the nays are 85.

PRESIDENT NISBET: The amendment is not adopted. Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I suppose I must be much confused here, because the wiser heads are saying nothing, but it was my understanding that after the committee of the whole rose and its action was voted on, the next procedure was that the proposal went to the committee on style and drafting. I am glancing at the rules. The place that I looked at was the middle of page 52, here, where it talks about the order of consideration. I didn't realize that after the action of the committee of the whole had been ratified or rejected by the convention, that the proposal was once more open for debate or amendment here on the floor. There is later a second reading and a third reading. Are we in order in what we are doing at this time? I would like a ruling from the Chair.

PRESIDENT NISBET: I understand, Mr. Powell, under the nature of the rules of order, after the report of the committee of the whole, the proposal may be amended on the floor.

SECRETARY CHASE: Mr. Hodges offers the following amendment to Committee Proposal 23, section c:

1. Amend page 2, line 23, after the end of the paragraph, by adding another paragraph as follows:

"The credit of the state, up to a sum of \$100,000,000, may be pledged or granted to or in aid of public benefit corporations, for the purpose of financing industrial, manufacturing and municipal development projects in this state: Provided however, That any such extension of credit shall require for approval a formal act of the legislature."

PRESIDENT NISBET: Mr. Hodges requests a record roll call vote. Is the demand seconded? Those in favor will rise. There is sufficient number up.

Those in favor of the amendment will vote aye. Those opposed will vote no.

SECRETARY CHASE: Have you all voted? The machine is locked and the vote will be recorded.

The roll was called and the delegates voted as follows:

YEAS — 40

Austin	Greene	McGowan, Miss
Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Binkowski	Hood	Pellow
Bledsoe	Kelsey	Perlich
Brown, T. S.	Krolkowski	Sablich
Buback	Lesinski	Snyder
Dade	Liberato	Stopczynski
Downs	Madar	Suzore
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Follo	Marshall	Young
Ford	McCauley	Youngblood
Garvin		

NAYS — 93

Allen	Gust	Pollock
Andrus, Miss	Habermehl	Powell
Anspach	Hanna, W. F.	Prettie
Batchelor	Hannah, J. A.	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Blandford	Heideman	Richards, J. B.
Bonisteel	Higgs	Richards, L. W.
Boothby	Howes	Rood
Brake	Hoxie	Rush
Brown, G. E.	Hubbs	Seyferth
Conklin, Mrs.	Hutchinson	Shackleton
Cudlip	Iverson	Shaffer
Cushman, Mrs.	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Davis	Kirk, S.	Sleder
Dehnke	Knirk, B.	Spitler
Dell	Koeze, Mrs.	Stafseth
DeVries	Kuhn	Staiger
Donnelly, Miss	Lawrence	Stamm
Doty, Donald	Leibrand	Sterrett
Durst	Leppien	Stevens
Erickson	Lundgren	Tubbs
Everett	Martin	Turner
Farnsworth	McAllister	Tweedie
Faxon	McLogan	Upton
Figy	Millard	Van Dusen
Finch	Mosier	Wanger
Gadola	Page	Wood
Goebel	Perras	Woolfenden
Gover	Plank	Yeager

On the adoption of the amendment offered by Mr. Hodges, the yeas are 40; the nays are 93.

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

SECRETARY CHASE: I have none on file, Mr. President.

PRESIDENT NISBET: If not, **Committee Proposal 23**, as amended, is referred to the committee on style and drafting.

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

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

Sec. a. No evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in or pursuant to the provisions of this constitution.

Sec. b. The legislature, for the purpose of meeting its appropriations for any fiscal year, may by law authorize the state to issue its notes pledging its faith and credit for the purpose of borrowing money in anticipation of the receipt of any undedicated revenues to be received within the same fiscal year which shall be pledged for the payment of such borrowings. Such borrowing in any fiscal year shall not exceed 15 per cent of all undedicated revenues received by the state during the preceding fiscal year and 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 such other specific purposes and in such amounts as may be proposed by an act of the legislature requiring the affirmative vote of 2/3 of the members elected to both houses, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount proposed to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

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 so as to prohibit the investment of public funds until needed for current requirements in such manner as may be provided by general 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 towards 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/or 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 said sections, shall remain unimpaired.

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

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: The special committee appointed relative to the extending of an invitation to the president to address the convention will meet immediately after the session in the conference room. Mr. Romney, chairman.

The scheduled meeting of the miscellaneous provisions and schedule committee will begin at 8:30 tomorrow morning instead of 9:00 o'clock as previously announced. Mr. Erickson, chairman.

You are reminded that at the meeting of the subcommittee on higher education, Thursday, tomorrow morning, any delegate wishing to appear on behalf of his or her proposal will be welcome at 9:00 a.m. in room J. Mr. Bonisteel, chairman.

The committee on finance and taxation will meet in room E tomorrow at 10:30 a.m. D. Hale Brake, chairman.

The committee on local government will meet at 7:30 p.m. this evening, room A; 8:30 a.m. tomorrow; 1:00 o'clock p.m. on Friday. Arthur Elliott, chairman.

The committee on administration will meet Friday, right after the session. Walter DeVries, chairman.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, there will be no meeting of the education committee after the session today.

Mr. President, I sent to the desk certain subcommittee reassignments for the committee on education and ask unanimous consent to have them printed in the journal.

PRESIDENT NISBET: Without objection, they will be printed in the journal.

Following are the subcommittee reassignments for the committee on education:

Subcommittee reassignments:

Miss Vera Andrus (libraries) — higher education

Theodore S. Brown (libraries) — higher education

Richard D. Kuhn (libraries)—elementary and secondary education

Bert M. Heideman (libraries) — higher education

H. Carl Spittler (elementary and secondary education)—school finance

Jack Faxon (libraries)—elementary and secondary education

The subcommittee on libraries and other provisions has been dissolved.

SECRETARY CHASE: We have the following request for leave: Mr. Romney requests to be excused from the sessions of Thursday and Friday, January 18 and 19, to keep long time commitments in Argentina and South America.

PRESIDENT NISBET: Without objection, he will be excused.

Judge Gadola.

MR. GADOLA: Mr. President, sometimes it becomes incumbent upon one to make a motion before a body that brings down the wrath of the organization upon his head. However, there is one very pleasant motion that can be made and I will make that motion now, that we adjourn.

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

We are adjourned until tomorrow at 2:00 o'clock.

[Whereupon, at 5:15 o'clock p.m., the convention adjourned until 2:00 o'clock p.m., Thursday, January 18, 1962.]

posal 4, A proposal to provide communication by the governor to the legislature on the condition of the state;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 4 as reported by the committee on style and drafting, see below under date of April 24.

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 37 of that committee, reporting back to the convention **Committee Proposal 23**, A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 23 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: That is all the committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

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: No special orders.

PRESIDENT NISBET: **General orders.** Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention resolve itself into committee of the whole for the purpose of considering matters on the general orders calendar.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. All in favor say aye. Opposed, no.

The motion prevails. Mr. Van Dusen.

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

CHAIRMAN VAN DUSEN: The committee will come to order. When the committee of the whole last sat considering the judicial article, we had before us **Committee Proposal 91**, A proposal pertaining to the supreme court. We had considered one amendment to section a of Committee Proposal 91. There are other amendments pending. The secretary will read the first proposed amendment to section a of Committee Proposal 91.

For last previous action by the committee of the whole on Committee Proposal 91, see above, page 1564.

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

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the section and inserting "The supreme court shall consist of 9 justices to be elected for 10 year terms on a nonpartisan statewide ballot. Commencing at the first regular statewide election following the adoption of this constitution each political party at party convention may nominate 1 candidate for each position to be filled. An incumbent judge whose term is to expire may become a candidate by filing an affidavit of candidacy with the secretary of state not less

than 180 days prior to the expiration of his term. Any person qualified to be a supreme court justice may also become a candidate upon the filing with the secretary of state a nominating petition signed by qualified electors in number equal to 3 per cent of the total vote cast for the office of governor at the last previous election. Vacancies shall be temporarily filled until the next statewide election by appointment of the governor until a successor is elected and qualified for the balance of the unexpired term but no such appointee shall be eligible to be a candidate for election to any office for 4 years after the temporary appointment."

CHAIRMAN VAN DUSEN: The question is on the amendment to section a of Committee Proposal 91 offered by Mr. Hanna, on which the Chair will recognize Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, in view of our action last week I request that commencing with the word "Vacancies" in the amendment, "Vacancies shall be temporarily filled" be stricken as we have covered that in the other proposal concerning vacancies, and it should not now be a part of this. So I should like to request at this time we strike that part.

CHAIRMAN VAN DUSEN: In accordance with your request, Mr. Hanna, that portion of the amendment will be withdrawn. The question is on the amendment as revised offered by Mr. Hanna. Do you wish to be recognized with respect to your amendment, Mr. Hanna?

MR. W. F. HANNA: Mr. Chairman, just a brief explanation. This would provide that incumbent judges whose terms were to expire can file an affidavit of candidacy and not be required to go back to their political parties. However, if a political party wishes to nominate an opponent, they could. They do not have to. Thirdly, if a person felt that someone who was nonpolitical, so to speak, or not able to secure the nomination of a political party, wanted to run, they could file petitions and become a candidate. This would seem to come as close to a nonpartisan election as we could get.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Hanna. Those who are in favor of the amendment, as revised, will say aye. Those opposed will say no.

The amendment, as revised, is not adopted. Are there further amendments to section a?

DELEGATES: Division.

CHAIRMAN VAN DUSEN: A division is requested on the amendment offered by Mr. Hanna. Is the request supported? It is supported. Mr. Ford.

MR. FORD: In deference to the fact that we are still trying to get organized with all this new material on the desk, I hope you can slow down a little bit because some of us who wanted to support the Hanna amendment were caught asleep at the switch.

CHAIRMAN VAN DUSEN: The Chair is afraid that your slumbers lasted too long. Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, could the amendment be read again?

CHAIRMAN VAN DUSEN: The Chair will ask the secretary to read the amendment again. Mr. Garvin.

MR. GARVIN: Mr. Chairman, do we have a copy of that amendment in all of our pile of things here?

CHAIRMAN VAN DUSEN: Yes. The amendment is on the desk of every delegate as a part of a 3 sheet item captioned, Amendments Pending to Committee Proposal 91, 3-9-62. It is the second of those amendments. The secretary will read the amendment.

MR. GARVIN: We are kind of rushed here.

SECRETARY CHASE: Mr. William Hanna has offered the following amendment as revised:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the section and inserting "The supreme court shall consist of 9 justices to be elected for 10 year terms on a nonpartisan statewide ballot. Commencing at the first regular statewide election following the adoption of this constitution each political party at party convention may nominate 1

Beaman	Hodges	Richards, J. B.
Bentley	Hood	Richards, L. W.
Binkowski	Howes	Romney
Blandford	Hoxie	Rood
Bonisteel	Hubbs	Rush
Bradley	Hutchinson	Sablich
Brake	Iverson	Seyferth
Brown, G. E.	Jones	Shackleton
Brown, T. S.	Judd, Mrs.	Shaffer
Buback	Karn	Shanahan
Butler, Mrs.	Kelsey	Sharpe
Conklin, Mrs.	Kirk, S.	Sleder
Cushman, Mrs.	Knirk, B.	Snyder
Danhof	Koeze, Mrs.	Spitler
Dehnke	Krolikowski	Stafseth
Dell	Kuhn	Staiger
DeVries	Lawrence	Stamm
Donnelly, Miss	Leibbrand	Sterrett
Doty, Dean	Leppien	Stevens
Douglas	Lesinski	Stopczynski
Durst	Liberato	Suzore
Elliott, A. G.	Madar	Thomson
Elliott, Mrs. Daisy	McAllister	Turner
Erickson	McCauley	Tweedie
Everett	McGowan, Miss	Upton
Farnsworth	McLogan	Van Dusen
Figy	Millard	Wanger
Follo	Mosier	White
Gadola	Murphy	Wilkowski
Garvin	Nisbet	Wood
Goebel	Norris	Woolfenden
Gover	Page	Young
Habermehl		

Nays—0

SECRETARY CHASE: On the passage of Committee Proposal 6, the yeas are 121; the nays, none.

PRESIDENT NISBET: Committee Proposal 6 is passed and referred to the committee on style and drafting.

For Committee Proposal 6, as rereferred to the committee on style and drafting, see above, page 2621.

The secretary will read Committee Proposal 23.

SECRETARY CHASE: Item 2 on the calendar, **Committee Proposal 23**, A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution.

Following is Committee Proposal 23 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 632.):

Sec. a. No evidence of state indebtedness shall be issued[,] except for [such] debts [as are expressly] authorized [in or] pursuant to [the provisions of] this constitution.

Sec. b. [The legislature, for the purpose of meeting its] 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 [pledging its] IN WHICH CASE [faith and credit for the purpose of borrowing money in anticipation of the] IT SHALL PLEDGE [receipt of any] undedicated revenues to be received within the same fiscal year [which shall be pledged] for the [payment of such borrowings] REPAYMENT THEREOF. Such [borrowing] INDEBTEDNESS in any fiscal year shall not exceed 15 per cent of [all] 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 [such other] specific purposes [and] in [such] amounts as may be [proposed] PROVIDED by [an act] ACTS of the legislature [requiring

the affirmative] ADOPTED BY A vote of 2/3 of the members elected to AND SERVING IN [both] EACH [houses] 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 [proposed] to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

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 [so as] to prohibit the investment of public funds until needed for current requirements [in such manner] as may be provided by [general] 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 [towards] 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/or] 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 [said] THESE sections, shall remain unimpaired.

PRESIDENT NISBET: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, it will be all right with me if you lock that voting machine right where it has been on this first one and leave it there all day.

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

This first section a, "No evidence of state indebtedness shall be issued," and so forth, is, in meaning, the old constitution. The wording has been changed and shortened but the meaning is the same. It means you can borrow. In essence it means you can borrow only as provided in this constitution.

The first part of b covers the matter of short term borrowing, which was fully explained to you in connection with general orders. It authorizes the state to borrow up to 15 per cent of the amount of undedicated revenue of the preceding year to be repaid during the year in which it is borrowed, the fiscal year. It must pledge taxes to cover it, and it must pay when those taxes come in. It is intended simply to carry the state over the humps in expenditure, and the valleys of income, during the fiscal year. This, you notice, is without vote of the people, but by authorization of the legislature. The rest of the section is, for all practical purposes, the same as we have had for all the time in the 1908 constitution. When you wish to borrow on a long term basis you must have a 2/3 vote of the legislature and a vote of the people; but by bill instead of by constitutional amendment. So the constitution will not be cluttered up with amendments which serve their purpose and then are dead weight to carry on from that time forward.

Section c is again the old constitution with some modifications. The principal modification being the second paragraph. While everybody — I guess not everybody but most everybody — has been investing any idle funds belonging either to the state or the local units of government, getting as much interest out of them as possible until they were needed, there was a fear by some prosecuting attorneys and city attorneys that they did not have that authority. Personally, I invested millions of the state's funds without any trouble at all. But in order to make that sure, the committee put in this second paragraph when they introduced it. There will be an amendment to that.

The next section, d, is a long and detailed provision with reference to the state helping school districts in their borrowing. Now, that is a long and detailed statement, but we were urged by the bonding attorneys and the school people, because of the tremendous amount of bonds outstanding under it now and others in process, that we should make just as few changes as possible. Therefore, practically all of the old language is included.

The committee recommends the adoption of this proposal.

PRESIDENT NISBET: Are there amendments?

SECRETARY CHASE: Mr. Brake offers the following amendment to Committee Proposal 23:

1. Amend page 2, line 9, [section c, paragraph 2] after "requirements" by inserting "or the investment of public employee retirement system funds,"; so that the language beginning in line 8 will read:

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.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen, that is not a committee amendment. The matter was brought to me since the committee last met. Here the purpose is the same. The employee retirement agents who wait on us here, and others who are interested in the retirement fund, think there is some doubt about the right even of the employment systems to be investing their funds. It doesn't seem possible to me that that would be the court interpretation but if it would make them rest any easier, make it any more certain, I think we can afford the space in the constitution for this many words, and then there will be no possible question about it.

PRESIDENT NISBET: The question is on the adoption of the amendment by Mr. Brake. Mr. Austin.

MR. AUSTIN: Mr. President, members of the committee — I insist upon saying committee for some reason — I would like to join Mr. Brake in suggesting that we support this amendment, also.

PRESIDENT NISBET: All those in favor of the amendment will say aye. Opposed, no.

The amendment is adopted. Any further amendments?

SECRETARY CHASE: Mr. Dell, Mrs. Butler, Messrs. Bradley, Follo, Heideman, Perlich, Perras, L. W. Richards, Sablich, Habermehl and Howes offer the following amendment:

1. Amend page 2, line 4, [section b, paragraph 2] after "repayment" by changing the period to a colon and inserting "Provided however, That the legislature is authorized to provide by general law for the borrowing of money for the refunding of any bonds issued by the Mackinac Bridge Authority."

PRESIDENT NISBET: The Chair recognizes Mr. Dell.

MR. DELL: Mr. President and members of the convention, this is a conservative approach, as I have not taken this mike many times during this convention, and I do so with a feeling that I am making an offer here to the state to save some money rather than spend it. We feel that if this amendment is adopted the state would be in a position to save at least \$1 million a year. This amendment is sponsored, as you noticed, by all members north of the straits, and I might say that our sole purpose in this amendment is to provide the legislature with the means to take advantage of this savings at the time when and if this project can be refinanced; which is in 1964.

Under the present provision it would be necessary for the authority to, through the state legislature, present this to the people. And it is not a question of whether or not the project is solvent or insolvent. If it is solvent, then we have no worry. If it should prove to be insolvent, then we have means to act at the time when it is necessary.

I should like to read into the record here a statement by the chairman of the Mackinac bridge authority, Mr. Brown, and if you will bear with me — it will take me a few minutes, but I think you should have the complete story behind this project. After all, may I say before I read this into the record, remember this revenue bond project is a part of our state highway system. It is much different than many of our other revenue bond projects, because if this project should have difficulty, it being a main item of the highway department, it could seriously affect the activity of the entire state. And further, I want to make one more point before I read this into the record; that this is not really an upper peninsula plea. This project affects the entire state of Michigan. The statement I should like to read is from Mr. Brown, chairman of the Mackinac bridge authority:

Finance and taxation committee of the constitutional convention:

My name is Prentiss M. Brown of St. Ignace. I am chairman of the Mackinac bridge authority.

May I thank the chairman and the members of this committee for their kindness and cooperation in permitting me to express my views regarding an important facet of government finance, particularly as it relates to the people, the legislature, and the constitution of this state.

It is essential at the very outset that I put to rest any rumors or speculation that the Mackinac bridge is in any financial or physical difficulty. Also, it should be made clear that our appearance before this committee should not be interpreted as an effort on the part of the bridge authority to have the state of Michigan take over Mackinac bridge authority indebtedness. That this could happen is true, depending upon the will of this convention, the people and the legislature, and as my remarks will bear out, would be advisable; but I do want it understood that the authority is prepared to carry on under its present obligations.

However, I would be remiss in my duty, both as a public official and as a private citizen, if I did not take this opportunity to point out that through comparatively simple means and with proper safeguards, the people of this state can save literally millions of dollars every year in the management of its financial obligations, particularly with reference to borrowed funds.

Because I am familiar at this time with Mackinac bridge financial operations, I will use the bridge as an example of how these savings can be accomplished. Please bear in mind that what I say about the bridge indebtedness could apply just as well to many other state facilities

financed by revenue type bonds, such as dormitories, highways, buildings and such.

Ever since the opening of the Mackinac bridge, the primary objective of the members of the authority has been to make it toll free. We have tried to keep abreast of all possible methods and suggestions such as the proposed reimbursement for the interstate highway system of which the bridge is a part. Notwithstanding our efforts in this direction, we have had no success and very little encouragement. As a corollary of our objective for a toll free crossing, we are equally desirous of obtaining any possible reduction in tolls, since nearly 100 per cent of our revenues are used for interest payments and reserves. It is therefore obvious that to reduce tolls, short of legislative or other subsidies which appear impractical, it will be necessary to reduce interest payment requirements.

It was nearly 8 years ago at the time of the Mackinac bridge financing, that the chairman of this committee stated with great accuracy that if the state issued the bridge bonds, backed by the credit of the state after a popular vote of the people, the project could be built and financed for \$64 million less than it will ultimately cost under revenue bond financing, the difference being in the payment of interest charges. This statement is as true today as it was in December of 1953. We differed with the chairman at that time over whether or not the people would have approved a general obligation bond issue for a bridge at the straits of Mackinac, which many persons at that time were certain could not be financed, and if financed could not be built.

Now the bridge is built. It is certainly a physical triumph of linking our 2 peninsulas. We know that even in this current recession year, its net earnings will be over \$5 million. We fully expect to place a half million dollars in our reserve funds during 1961. With these 2 factors—physical and financial feasibility—proven, it then seems sound, reasonable, economical and just good plain common sense to make every effort to reduce interest costs, particularly when such a move can be made with no jeopardy to the state general fund and practically speaking no possibility that the general tax sources of the state will be called upon to financially support the structure.

We submit a suggested section for inclusion in the constitution which would permit the legislature to pledge the full faith and credit of the state of Michigan for the payment of the principal of and the interest on refunding bonds to be issued by the state or any of its several instrumentalities, with the provision that tolls, fees, charges, and such designated and earmarked revenues out of which said bonds are payable, shall be continued and used to pay off the indebtedness.

In the case of the Mackinac bridge, it would be my suggestion to wait at least until January 1, 1964, when the call premium on our bonds will be reduced from 8 per cent to 5 per cent. The authority is now paying approximately $4\frac{1}{4}$ per cent interest on its 2 series of bonds. We now have over \$5 million in reserves and will have substantially more by 1964, so that we are certain that with our reserves our outstanding bonds could be refunded with an issue of \$100 million or less. We would wait for the most favorable market, issue serial bonds, and aim at an interest rate of about $3\frac{1}{4}$ per cent.

A table showing the payout on a \$100 million $3\frac{1}{2}$ per cent serial bond issue on assumed earnings of \$5 million annually is attached. Should bridge revenues grow along with traffic, and we are confident that there will be a steady growth in our economy, then the additional revenues will provide an additional safety factor to protect the state general fund against any possible contribution to the payment of interest or principal on these suggested refunding bonds.

Let me emphasize, however, that even if there is no growth at all in our economy from 1961 on, our revenues of \$5 million annually would still be more than ample to

take care of our obligation and even provide for substantial reserves, as the attached table will show. As revenues do increase, then we would have an option of accelerating our bond redemptions, thereby shortening the time to a free bridge; or we could decide to do with smaller excess revenues and reduce tolls.

In conclusion, may I once again say that with proven facilities such as the Mackinac bridge and perhaps others throughout the state, it imposes an unnecessary burden on the taxpayers to maintain indebtedness under anything less than the lowest possible interest rates that the state can obtain. Mind you, I speak of proven facilities where the risk is minimal. For the purpose of reducing interest rates on such indebtedness, our legislature should be in a position to borrow money whenever it is necessary to do so, without having to go to a public vote.

The \$250,000 debt limitation of 1908 is not a valid limitation in 1961. We believe that if such a limitation were removed under the foregoing conditions, one of the readily available facilities for accomplishing a savings to the people of \$1 million annually in interest costs would be the Mackinac bridge. There are undoubtedly others.

Finally, once again I would like to make it clear that we do not make this proposal out of any fear for the financial position of the authority, but solely because it is dictated by common sense and sound economics.

[Respectfully submitted,
Prentiss M. Brown, chairman
Mackinac bridge authority.]

And that is the consensus of Mr. Brown's statement here to the finance and taxation committee.

Now, ladies and gentlemen, may I make a statement here that this will not be, I think, the first time that the state has done this. I think in our present constitution we have several sections here where the state placed its faith and credit behind a series of bond issues, particularly in article X, sections 23a, 25, 26, 27, 28, and I think most of these have been taken out of the present constitution. I think at this time we have eliminated those because the obligations are paid off.

Now here is something that is serious, something that is of serious interest to the entire state. It can seriously affect one of the biggest means of revenue that we have in the state of Michigan—our economy depends on it, and so on—that is your tourist industry. If we begin to have trouble with the bridge at the straits, it can affect our tourist industry over the entire state. For that reason, I wish you would give this serious attention. I think there are other sponsors who may wish to speak on this.

PRESIDENT NISBET: There is an amendment to the amendment, Mr. Dell, at this time.

MR. DELL: I will yield to Mr. Perlich at this time.

PRESIDENT NISBET: Mr. Dell, would you let the amendment be presented, because I think it might clear up some of this and shorten discussion.

MR. DELL: Thank you.

SECRETARY CHASE: Mr. Shackleton offers the following amendment to the amendment:

1. Amend the amendment, after "Authority" by changing the period to a comma and inserting "at which time the Mackinac Bridge Authority Act shall be repealed and the operation of the bridge be assumed by the state highway department."

PRESIDENT NISBET: The Chair recognizes Mr. Shackleton on his amendment.

MR. SHACKLETON: Mr. President and delegates, at the present time the highway department is committed to contribute \$417,000 a year toward the upkeep of the bridge. Prior to doing away with the ferries, the ferries were all operated by the highway department. This provision would provide for the automatic elimination of the bridge authority in the event the state did refinance the bonds, reduce one commission or authority, put the operation back in the highway department where it was, and where they are already heavily interested because of what they must contribute, and would simplify to some extent that

much overlapping of authority and duties. I urge the adoption of the amendment.

PRESIDENT NISBET: The question is on the amendment of Mr. Shackleton to the amendment. Those in favor of the amendment will vote aye. Those opposed, no.

The amendment to the amendment is adopted. The question now is on the amendment of Mr. Dell and others as amended by the Shackleton amendment. The Chair recognizes Mr. Stafseth.

MR. STAFSETH: Mr. President, I will only make a few brief statements. When this was discussed in committee of the whole I opposed it. I opposed it on the theory that we shouldn't get into this area, but after studying and talking to Mackinac bridge authorities in our finance and taxation committee meetings that we had with them, I am convinced that it would be a very short sighted thing if this convention didn't make a provision which would allow the legislature to refinance these bonds at a savings to the state.

PRESIDENT NISBET: The Chair recognizes Mr. Howes.

MR. HOWES: I wish to talk in favor of the amendment. Surely, any reduction in costs which will be achieved by the state issuing full faith and credit bonds to buy back at an opportune time the Mackinac bridge authority bonds will be reflected at some time in reduced rates on the bridge, a saving to all people who use the bridge and a benefit to all people in the upper and lower peninsulas of Michigan.

I would certainly hope and believe that placing this proposition on the ballot along with our new constitution would be no detriment to the new constitution, and would help at least to get out the vote on our new constitution. The Mackinac bridge is a part of the people of Michigan. The pride the people of Michigan have shown in their bridge, and the support they are giving it both with their dollars and their interest in it at present will be returned manifold in the future with increased economic activity both in the upper and lower peninsulas of Michigan.

PRESIDENT NISBET: The Chair recognizes Mr. Perlich.

MR. PERLICH: Mr. President, fellow delegates, this is such a logical, reasonable amendment on its face that it really does not need a lot of explanation. By refunding the bonds of the Mackinac bridge, "Big Mac," and reducing the interest the bridge authority will save about \$1 million a year in interest. Of course, this is the bridge authority that will save the million, but there is surely nobody here who can believe there is a difference between the bridge authority and the state of Michigan. The names may be different but the product is the same.

We delegates from the upper peninsula are especially interested in this project for one simple and obvious reason. Reducing the interest payments would bring closer the day when tolls can be done away with and the bridge can be free. Free, the bridge will be a boon, a big help to the strained economy of the upper peninsula. It is a tremendous disadvantage to use. It holds back traffic, tourists and commerce. It adds to the cost of everything. The sooner the toll is done away with, the sooner our economy can come back to normal.

PRESIDENT NISBET: The Chair recognizes Mr. Stevens.

MR. STEVENS: Mr. President, members of the convention, I perhaps have a special interest and a little special knowledge for a lower peninsula resident. The matter of the upper peninsula, as a taxpayer of Mackinac county and a constituent of Mr. Dell — I mean a part time constituent, I don't vote there but I pay taxes there and I have become quite familiar with the situation — I am confident that because of the many projects now under way, such as improvements, handling low grade ore, forest projects, the missile site to be built there, and many other things, the economy of the upper peninsula will soon be much improved. With the lowering of the tolls, or the elimination of them on the bridge, the lower peninsula will benefit by getting much of the business that now goes to Wisconsin because of the cost of transportation between the lower and the upper peninsula. I therefore believe the whole state will benefit by anything that makes it possible at an early date to lower or remove the tolls from the Mackinac bridge. I support this project.

PRESIDENT NISBET: The Chair recognizes Mrs. Butler.

MRS. BUTLER: Mr. President, fellow delegates, I rise to ask your support for this important amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Bradley.

MR. BRADLEY: Mr. President, fellow delegates, I wish to add my voice to the support of this amendment, which I feel will hasten the day when the Mackinac bridge may join with the rest of the state highway system as a toll free establishment.

PRESIDENT NISBET: We have an amendment to the amendment.

SECRETARY CHASE: Messrs. Austin, Brake and Van Dusen offer the following amendment to the pending amendment:

1. Amend the amendment, after "general law" by inserting "adopted by a vote of 2/3 of the members elected to and serving in each house"; so that the language will read:

... 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

PRESIDENT NISBET: The Chair recognizes Mr. Austin.

MR. AUSTIN: Mr. President, fellow delegates, I believe that this amendment is rather obvious. In this same section b we have provided that whenever we are to assume a large debt, that we require a 2/3 vote of the members elected to and serving in each house and then get the approval of the electorate. We are not asking for the approval of the electorate here, but since it is a large bond issue to be assumed by the state, and the state's faith and credit is to be pledged to pay it, that we ought to at least require a 2/3 vote of the legislature.

PRESIDENT NISBET: Mr. Dell.

MR. DELL: Mr. President, I have not had an opportunity to check with the other sponsors of this amendment, but I am quite certain that they would be glad to accept this.

PRESIDENT NISBET: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen, I think we can save some time, maybe, if I may talk not only on this amendment but on the amendment itself at the same time. We need to get this perspective, I believe. You recall when this matter was before you before, the committee recommended against it. The committee has not officially changed its mind, but many of the members, including myself, have come to recognize that it is a problem that is going to have to be taken care of. We are not likely to have another constitutional convention before that time arises, and therefore we think it had better be taken care of now. Now you notice, from what Mr. Dell read, that Senator Brown's recommendation was an authorization in the legislature without a vote of the people to refund any obligations from revenue bonds, tax pledged bonds, and so forth, of the state, which means pretty nearly \$1 billion. The committee definitely opposed that, and that opposition still stands. This amendment has to do with nothing except the Mackinac bridge.

Now, there have been statements made here that we will save \$1 million. We shouldn't be too sure. That depends on what the bond market is when the time comes for the refunding, or whether it ever does come. It might save \$1 million, it might save more than that, and it might save much less. But it is just an estimate and should be taken at that.

We are not talking about immediate action. I told you before, in order to sell these bonds at all every possible inducement to the bond buyer had to be put in the deal, and among those inducements was a very high call premium. Until 1964 the call premium is 108, or it would take \$1,080 to redeem a \$1 thousand bond. From 1964 until 1967 it is 5 per cent, \$1,050. It is not going to be practical to try to refund these bonds under those rates. They then go down to 4 per cent, and gradually go down until they finally come to 1 per cent. Sometime along the way the bond market may be such that very probably the legislature would find it advisable to refund these bonds and save money. While the state has no legal obligation in the

matter whatever, it has a moral obligation, and you know and I know that if these bonds ever go sour the state is going to pick up the tab, and we might as well do it, if we have to do it, at the lowest possible cost. While the committee is not taking an official position, personally I recommend that the vote be changed to 2/3, and that we then approve the amendment.

PRESIDENT NISBET: Mr. Leppien, did you care to speak on the Austin-Brake amendment?

MR. LEPIEN: Mr. President, a parliamentary inquiry, I think. Will the communication from the bridge authority read by Delegate Dell appear in our journal?

PRESIDENT NISBET: Not in the journal, Mr. Leppien.

MR. LEPIEN: I would inquire then, Mr. President, how is it possible to secure its printing in the journal? By asking unanimous consent of the convention?

PRESIDENT NISBET: By motion, Mr. Leppien.

MR. LEPIEN: I so move, Mr. President.

PRESIDENT NISBET: We will put that motion in a few moments. The question now is on the amendment offered by Mr. Austin, Mr. Brake and Mr. Van Dusen. Mr. Bledsoe, do you care to speak on that amendment?

MR. BLEDSOE: If I may, Mr. President. May I ask Mr. Brake a question?

PRESIDENT NISBET: You may proceed.

MR. BLEDSOE: Mr. Brake, are these bonds tax exempt?

MR. BRAKE: Yes.

MR. BLEDSOE: And is the bridge solvent at this time?

MR. BRAKE: If I could answer that question, I wouldn't.

PRESIDENT NISBET: The Chair recognizes Mr. Madar.

MR. MADAR: Mr. President, I believe that the motion by Mr. Leppien is exceedingly good. However, I think that there are others that belong in the journal, also. At this time, I would like to amend his motion to read that we include the speech on public health given by myself last evening.

PRESIDENT NISBET: The motion is not in order at this time. We will take it up a little later. Mr. Van Dusen.

MR. VANDUSEN: Mr. President, unless you have other speakers I move the previous question on both the amendment to the amendment and on the amendment.

PRESIDENT NISBET: The Chair has one more speaker.

MR. VANDUSEN: I will withhold the motion.

PRESIDENT NISBET: The Chair recognizes Mr. Goebel.

MR. GOEBEL: Mr. President, members of the convention, I, like Mr. Stafseth, voted against this originally but upon further study and change, of course, in the wording I feel that this, together with its amendment, would be a very fine addition to the constitution of the state of Michigan. I might say this, something that no one has yet brought up: that really if this provision with its amendments is in the constitution, and the people then vote favorably upon the constitution, they indirectly vote for approval of the provision for the refunding of the Mackinac bridge authority bonds, and then by a 2/3 vote of the legislature, if and when they find this desirable to do so, we will have conformed to the long term borrowing provision that is provided for now in our new constitution.

PRESIDENT NISBET: The question is on the adoption of the amendment by Mr. Austin and Mr. Brake. Those in favor will say aye. Opposed, no.

The amendment to the amendment is adopted. The question now is on the amendment of Mr. Dell as amended by Mr. Shackleton and Mr. Brake. Those in favor of that motion will say aye. Opposed no.

The amendment is adopted. Mr. Brake.

MR. BRAKE: Mr. President, section c has to do with the credit of the state being granted to any person, association or corporation. In order to make sure that investment of idle funds was strictly legal, we have added the second paragraph. I think that is sufficient explanation.

PRESIDENT NISBET: Any questions? You may proceed, Mr. Brake.

MR. BRAKE: No amendments? The last section is a school borrowing section. I think you understand the purpose of that, and I will spend no time on it unless there is a question.

PRESIDENT NISBET: Any questions? Any amendments?
SECRETARY CHASE: None.

PRESIDENT NISBET: The question now is on the adoption of Committee Proposal 23, as amended. Mr. Austin.

MR. AUSTIN: Mr. President, I hope we can get a unanimous vote on this one, too, and I so recommend.

PRESIDENT NISBET: The question is on the adoption. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—121

Allen	Gover	Norris
Andrus, Miss	Gust	Page
Anspach	Habermehl	Perlich
Austin	Hanna, W. F.	Perras
Baginski	Hannah, J. A.	Plank
Balcer	Hart, Miss	Pollock
Barthwell	Haskill	Powell
Batchelor	Hatch	Prettie
Beaman	Hatcher, Mrs.	Pugsley
Bentley	Heideman	Rajkovich
Binkowski	Higgs	Richards, J. B.
Blandford	Hodges	Richards, L. W.
Bledsoe	Hood	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Buback	Iverson	Shackleton
Butler, Mrs.	Jones	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Cushman, Mrs.	Karn	Sharpe
Danhof	Kelsey	Sleder
Dehnke	King	Snyder
Dell	Kirk, S.	Spitler
DeVries	Knirk, B.	Stafseth
Doty, Dean	Koeze, Mrs.	Staiger
Doty, Donald	Krolikowski	Stevens
Douglas	Kuhn	Stopezynski
Downs	Leibrand	Suzore
Durst	Leppien	Thomson
Elliott, A. G.	Lesinski	Turner
Elliott, Mrs. Daisy	Liberato	Tweedie
Erickson	Madar	Upton
Everett	McAllister	Van Dusen
Farnsworth	McCauley	Wanger
Figy	McGowan, Miss	White
Finch	McLogan	Wilkowski
Follo	Mosier	Wood
Gadola	Murphy	Yeager
Garvin	Nisbet	Youngblood
Goebel		

Nays—1

Young

SECRETARY CHASE: On the passage of Committee Proposal 23, as amended, the yeas are 121; the nays, 1.

PRESIDENT NISBET: Committee Proposal 23, as amended, is passed.

Following is explanation of vote submitted by Mr. Young:

The roll call will indicate that, on second reading, mine was the only vote against the incorporation of finance and taxation Committee Proposal 23 in the proposed new constitution.

In order to secure my future safety in the upper peninsula, I would hasten to assure all concerned that I, in no way, oppose the provisions of Committee Proposal 23 in regard to the Mackinac Bridge.

I take this position because of the provisions in section c of this proposal that erase the long established prohibition against investment of public funds in the speculative ventures of private enterprise. Under the new language, the legislature is now free to expose the already inadequate funds of our state treasury to the caprices of the stock

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

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
6.	Right to bear arms 15- 5
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23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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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.

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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.

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Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

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

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

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

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

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

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

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

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60 Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. 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.

you to look at, I believe if everyone will look closely at the wall you will find the handwriting on the wall. I cannot accept this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I think that Dr. Nord has answered his own suggestion. That is that the handwriting is on the wall. It is clear. It is unequivocal. I think it should be supported. It takes care of a situation that none of us can contemplate at this time, but it certainly is language that will permit the legislature to implement the provisions that we have written into this constitution.

VICE PRESIDENT HUTCHINSON: Time is up.

MR. G. E. BROWN: Thank you.

VICE PRESIDENT HUTCHINSON: Time for debate upon this amendment has expired. The question is upon the adoption of the amendment. All those in favor of the amendment —

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I —

VICE PRESIDENT HUTCHINSON: Mr. Downs, time for debate has expired. The Chair thought you were going to make a motion.

MR. DOWNS: Oh, I am sorry.

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

The amendment is adopted. Are there any further amendments? The question is upon the adoption of the schedule. Mr. Downs.

MR. DOWNS: Mr. President, I was over eager and I apologize to the convention.

I rise on this one to point out that in section 16 and 17 we are mandating that this document be presented in one package to the people and that it be presented in November, although the attorney general has ruled that it must be presented in April. Some of us have put in a resolution to ask that the document be divided. I do not want to impose on the time of the convention to reargue those points but simply point out that I am concerned that the opposition to some of the bad parts may jeopardize the passage of what I believe most voters would consider good parts. I think the November instead of the April date, when the attorney general has so ruled, raises some other questions. For those reasons, along with some of the others on the matter of the transition, I do urge a no vote.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit further debate on the schedule to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes upon the schedule, all those in favor will say aye. Opposed will say no.

The motion prevails. Debate is limited. The Chair will recognize Mr. Nord.

MR. NORD: Mr. President, in listening to the principal objection voiced by Mr. Downs, namely, that in section 16 of this article which refers to the Tuesday after the first Monday of November, 1962 — that that is an objectionable date. First of all I would like to elaborate on that. But, in addition to that, I will have 2 further statements to make as to objections.

As to the November, 1962, ballot date, that has already been ruled by the attorney general to be unconstitutional. It appears to me that once more we are putting into our own constitution something that is unconstitutional. But the odd thing about this one is that this is the only provision I know of that could be put into our constitution that would violate the Michigan constitution. The other violation has to do with the federal constitution. I object to section 16 having the Tuesday after the first Monday of November, 1962, on the ground that it is unconstitutional. The other 2 objections, I believe, are more important, however.

One of them is the one I referred to a minute ago, to section 6. Section 6 would delay the apportionment, such as it is, until 1970 and gives the legislature the power to do something which they have failed to do in the past for almost 40 years in the senate. That is to reapportion. That fails to cure the unconstitutionality of that section. What is required is apportionment now and not power to somebody without mandate to do so. I believe that that was unconstitutional a few minutes ago before

the amendment and that it remains unconstitutional at the present time. My conclusion about section 6 is this: in my opinion, it is simply a half baked effort to deal with the problem of unconstitutionality under the federal constitution. So, as to sections 16 and 6, we have an unconstitutionality as to the Michigan constitution and another one as to the federal constitution.

Finally, as to section 5: section 5, which lists the ad board — the elected ad board — there you will find only half of the ad board as we know it. And I suggest to the delegates that that is objectionable because it is what I would term a half ad board. And a half ad board is not as good as a complete ad board. (laughter)

Therefore, Mr. President, those are the 3 objections: we have a half ad board, we have a half baked effort to cure unconstitutionality, and we have a third section which clearly is unconstitutional under the Michigan constitution. Therefore, I cannot accept this schedule.

VICE PRESIDENT HUTCHINSON: Mr. Walker.

MR. WALKER: No, I pass.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I shall be very brief. I will only say that with respect to what Dr. Nord has said — and it answers all of his propositions and his objections and what have you — is that the attorney general does not determine the constitutionality of matters such as the one before us. Neither does Dr. Nord.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the schedule. All those in favor of the adoption of the schedule, as amended, will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—90

Allen	Goebel	Page
Andrus, Miss	Gover	Perras
Barthwell	Gust	Plank
Batchelor	Habermehl	Pollock
Beaman	Hanna, W. F.	Powell
Bentley	Hannah, J. A.	Prettie
Blandford	Haskill	Pugsley
Bonisteel	Hatch	Radka
Boothby	Heideman	Rajkovich
Brake	Higgs	Richards, J. B.
Brown, G. E.	Howes	Rood
Butler, Mrs.	Hoxie	Seyferth
Conklin, Mrs.	Hubbs	Shackleton
Cudlip	Hutchinson	Shanahan
Cushman, Mrs.	Iverson	Sharpe
Danhof	Judd, Mrs.	Sleder
Dehnke	Karn	Stafseth
Dell	Knirk, B.	Staiger
Donnelly, Miss	Koeze, Mrs.	Stamm
Doty, Dean	Kuhn	Sterrett
Doty, Donald	Lawrence	Stevens
Durst	Leppien	Thomson
Elliott, A. G.	Martin	Turner
Erickson	McAllister	Tweedie
Everett	McCauley	Upton
Farnsworth	McGowan, Miss	Van Dusen
Figy	McLogan	Wanger
Finch	Millard	Wood
Follo	Mosier	Yeager
Gadola	Nisbet	Youngblood

Nays—28

Austin	Hatcher, Mrs.	Pellow
Balcer	Jones	Perlich
Bradley	Kelsey	Sablich
Buback	Madar	Snyder
Douglas	Marshall	Stopczynski
Downs	Murphy	Suzore
Elliott, Mrs. Daisy	Nord	Walker
Faxon	Norris	Wilkowski
Ford	Ostrow	Young
Hart, Miss		

SECRETARY CHASE: On the adoption of the schedule and temporary provisions, as amended, the yeas are 90; the nays are 28.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted therefor, the **schedule and temporary provisions**, as amended, are adopted and passed.

For sections 1, 2, 3, 4, 5 and 7 through 17 of the schedule and temporary provisions as passed, see above, page 3073.

Following is section 6 of the schedule and temporary provisions as amended and passed:

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Article IV, Section 2 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, unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2, 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 divided by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON (continuing): Reports of standing committees.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Before we take reports of standing committees, I would like to move that the constitution as now adopted be referred to the committee on style and drafting, so that it may have an opportunity to review it tomorrow.

VICE PRESIDENT HUTCHINSON: That is under the rules, isn't it?

MR. VAN DUSEN: I don't think there is anything in the rules that provides for it. It is one of the omissions of the rules.

MR. DOWNS: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: What's the point, Mr. Downs?

MR. DOWNS: I believe the point would be the articles are adopted and not the constitution is adopted; since we have not voted on the entire package.

MR. VAN DUSEN: I will accept Mr. Downs' amendment, Mr. President.

MR. DOWNS: Mine is not an amendment, but if you wish to restate the motion, it would be in order; (laughter) or I will make it as an amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Van Dusen to refer to the committee on style and drafting the several articles which have been adopted. All those in favor will say aye. Opposed, no.

The motion prevails and the **preamble**, the **articles** and the **schedule and temporary provisions**, as amended, are referred to the committee on style and drafting.

For the preamble, articles and schedule and temporary provisions as referred to the committee on style and drafting, see as follows:

Preamble, page 3047.

Article I, sections 1, 3 through 23, page 3047.

Article I, section 2, as amended, page 3098.

Article II, sections 1 through 5, 7 and 8, page 3048.

Article II, section 6, as amended, page 3087; section 9, as amended, page 3087.

Article III, sections 1 through 8, page 3050.

Article IV, sections 1, 2, 3, 5, 7 through 11, 13 through 17, 19 through 53, page 3051.

Article IV, section 4, as amended, page 3115; section 6, as amended, page 3115; section 12, as amended, page 3116; section 18, as amended, page 3116.

Article V, sections 1 through 8, 10 through 27, page 3057.

Article V, section 9, as amended, page 3124; section 28, as amended, page 3125.

Article VI, sections 1 through 7, 9 through 25, 27, 28 and 29, page 3060.

Article VI, section 8, as amended, page 3139; section 26, as amended, page 3140.

Article VII, sections 1 through 33, page 3063.

Article VIII, sections 1 through 9, page 3065.

Article IX, sections 1, 2, 3, 5, 7 through 10, 12 through 17, 20 through 24, page 3067.

Article IX, section 4, as amended, page 3186; section 6, as amended, page 3186; section 11, as amended, page 3186; section 18, as amended, page 3186; section 19, as amended, page 3186.

Article X, sections 3 through 6, page 3069.

Article X, section 1, as amended, page 3154; section 2, as amended, page 3154.

Article XI, sections 1 through 7, 9 through 12, and 14, page 3070.

Article XI, section 8, as amended, page 3198; section 13, as amended, page 3918.

Article XII, section 1, page 3072.

Article XII, section 2, as amended, page 3205; section 3, as amended, page 3206.

Schedule and temporary provisions, sections 1 through 5, 7 through 71, page 3073.

Schedule and temporary provisions, section 6, as amended, see above.

VICE PRESIDENT HUTCHINSON (continuing): Without objection, we will return to the order of **reports of standing committees**.

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, submits the following report—

MR. VAN DUSEN: Mr. Secretary, could you read Resolution 96 first?

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, reports back to the convention **Resolution 96**, A resolution authorizing and directing the commencement of an action against the secretary of state seeking a declaration of the right of the convention to require the submission of the proposed new constitution to the electors in November, 1962; without amendment and with the recommendation that the resolution be adopted.

R. C. Van Dusen, chairman.

The resolution is as follows:

[The resolution was read by the secretary. For text, see above, page 3046.]

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the resolution. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, the convention has just adopted a provision of the schedule of the constitution directing the submission of the new constitution to the voters at the election to be held November 6, 1962. The secretary of state has advised the president of this convention in writing that he will not comply with the direction of the convention, that he is bound by the opinion of the attorney general that the appropriate time for submission is April, 1963. Consequently, we are confronted with a collision between the action of this convention and the opinion of the attorney general which the secretary of state says he must follow.

If this matter is to be resolved, it must be resolved by the courts of this state. The select committee appointed by the president to consider this matter, as you know, took no position on the policy question of when the proposed constitution should be submitted but has, in anticipation of the action which the convention has now taken, adopted and recommended to the convention the resolution which the secretary has just read, which will implement that decision insofar as it is legally possible to do so.

The course of action contemplated by the resolution is the commencement of an action in the circuit court for Ingham county

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Nwaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article V

Executive Branch

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

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

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

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

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

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

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

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

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

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

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

to the same office.

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

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

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

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

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

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

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

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

therefor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article VI Judicial Branch

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

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

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

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

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

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

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

14 Sec. 1. Amendments to this constitution may
15 be proposed in the senate or house of representa-
16 tives. Proposed amendments agreed to by two-
17 thirds of the members elected to and serving in
18 each house on a vote with the names and vote of
19 those voting entered in the respective journals
20 shall be submitted, not less than 60 days there-
21 after, to the electors at the next general election
22 or special election as the legislature shall direct.
23 If a majority of electors voting on a proposed
24 amendment approve the same, it shall become
25 part of the constitution and shall abrogate or
26 amend existing provisions of the constitution at
27 the end of 45 days after the date of the election
28 at which it was approved.

29 Sec. 2. Amendments may be proposed to this
30 constitution by petition of the registered electors
31 of this state. Every petition shall include the full
32 text of the proposed amendment, and be signed by
33 registered electors of the state equal in number to
34 at least 10 percent of the total vote cast for
35 all candidates for governor at the last preceding
36 general election at which a governor was elected.
37 Such petitions shall be filed with the person au-
38 thorized by law to receive the same at least 120
39 days before the election at which the proposed
40 amendment is to be voted upon. Any such petition
41 shall be in the form, and shall be signed and
42 circulated in such manner, as prescribed by law.
43 The person authorized by law to receive such peti-
44 tion shall upon its receipt determine, as provided
45 by law, the validity and sufficiency of the signa-
46 tures on the petition, and make an official an-
47 nouncement thereof at least 60 days prior to the
48 election at which the proposed amendment is to be
49 voted upon.

50 Any amendment proposed by such petition shall
51 be submitted, not less than 120 days after it was
52 filed, to the electors at the next general election.
53 Such proposed amendment, existing provisions of
54 the constitution which would be altered or abro-
55 gated thereby, and the question as it shall appear
56 on the ballot shall be published in full as provided
57 by law. Copies of such publication shall be posted
58 in each polling place and furnished to news media

as provided by law.

59 The ballot to be used in such election shall con-
60 tain a statement of the purpose of the proposed
61 amendment, expressed in not more than 100 words,
62 exclusive of caption. Such statement of purpose
63 and caption shall be prepared by the person au-
64 thorized by law, and shall consist of a true and
65 impartial statement of the purpose of the amend-
66 ment in such language as shall create no prejudice
67 for or against the proposed amendment.

68 If the proposed amendment is approved by a
69 majority of the electors voting on the question,
70 it shall become part of the constitution, and
71 shall abrogate or amend existing provisions of
72 the constitution at the end of 45 days after
73 the date of the election at which it was ap-
74 proved. If two or more amendments approved by
75 the electors at the same election conflict, that
76 amendment receiving the highest affirmative vote
77 shall prevail.

78 Sec. 3. At the general election to be held in
79 the year 1978, and in each 16th year thereafter
80 and at such times as may be provided by law, the
81 question of a general revision of the constitution
82 shall be submitted to the electors of the state. If
83 a majority of the electors voting on the question
84 decide in favor of a convention for such purpose,
85 at an election to be held not later than six months
86 after the proposal was certified as approved, the
87 electors of each representative district as then
88 organized shall elect one delegate and the elec-
89 tors of each senatorial district as then organized
90 shall elect one delegate at a partisan election.
91 The delegates so elected shall convene at the seat
92 of government on the first Tuesday in October
93 next succeeding such election or at an earlier date
94 if provided by law.

95 The convention shall choose its own officers,
96 determine the rules of its proceedings and judge
97 the qualifications, elections and returns of its mem-
98 bers. The governor shall appoint a qualified
99 resident of the same district to fill a vacancy
100 in the office of any delegate who shall be a mem-
101 ber of the same party as the delegate vacating
102 the office. The convention shall have power to ap-
103 point such officers, employees and assistants as
104 it deems necessary and to fix their compensation;
105 to provide for the printing and distribution of its
106 documents, journals and proceedings; to explain
107 and disseminate information about the proposed
108 constitution and to complete the business of the
109 convention in an orderly manner. Each delegate
110 shall receive for his services compensation pro-
111 vided by law.

112 No proposed constitution or amendment adopted
113 by such convention shall be submitted to the
114 electors for approval as hereinafter provided un-
115 less by the assent of a majority of all the delegates
116 elected to and serving in the convention, with the
117 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.

consideration of the deletion of section 6 of the schedule in its entirety.

I think because of the length of the roll calls, which we have to conduct by voice today, it might make sense to determine whether there is going to be a section 6 of the schedule before putting the secretary to the work of calling the roll on an amendment thereto. I would therefore move that item 8 on the order of business be taken up now so that we can dispose of that question before considering further the possible amendment to section 6.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that item 8 on the order of business, **consideration of deletion of section 6 of schedule**, be advanced on the calendar. Those in favor will say aye. Opposed, no.

The motion prevails. The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, now I move that the rules be suspended for the sole purpose of considering an amendment to the schedule to delete section 6 and renumber the remaining sections.

PRESIDENT NISBET: The question is on the suspension of the rules. Those in favor will say aye. Opposed, no.

The motion prevails, 2/3 of the delegates having voted therefor. The rules are suspended. Mr. Van Dusen.

MR. VAN DUSEN: I yield to Dr. John Hannah.

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I move that the temporary provisions of the schedule of the proposed constitution be amended by striking out all of section 6 and renumbering the remaining sections.

PRESIDENT NISBET: The question is on the motion of Dr. Hannah which the secretary will read again.

SECRETARY CHASE: Mr. J. A. Hannah offers the following amendment:

1. Amend the schedule, section 6 (column 2) line 5, by striking out all of section 6 which reads as follows:

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 divided 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.

and renumbering the balance of the sections.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I wonder if I could ask Delegate Hannah the intent of his amendment and what the effect will be on the document in its submission.

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President and delegates, the effect of this amendment, if it is adopted, will be that in the event the proposed constitution is approved by the voters of this state, the apportionment of the senate will be immediately effective in the same way as the reapportionment of the house. It will mean that if this section 6 is taken out of the schedule and the constitution is adopted, immediately the apportionment commission will be set up and they will proceed to draw new districts both for the senate and the house, with the senate, of course, following the formula that is included as a part of the constitution.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, we're being put in a very strange and illogical position. The provision for the proposed senate has, by the attorney general, been declared unconstitutional. The only question is the timing. As I understand it, to vote for this deletion would simply mean that an unconstitutional provision would be made effective sooner; to vote against it simply means that the 1952 amendment which is

now unconstitutional, pending review by the United States supreme court, would not be law and what we would have is the 1908 constitution which the Michigan state supreme court has said is the law. I am therefore—and I want the logic of this made very clear—voting against deleting this section, not because I want this section to go into effect later, but because I believe this section and what it applies to are both unconstitutional. We now have the law of the state of Michigan, the 1908 constitution, which has a senate based on population. I am voting no on this question for the reason that I am voting for the 1908 constitution without the 1952 amendment, which has been declared by the Michigan supreme court to be the law of this state.

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: I rise to support this amendment for the deletion. It seems to me that it's become evident to most of us by this time that the final body that will decide the question of its constitutionality is not in the state of Michigan but is the United States supreme court; and for that reason I am unwilling to surrender any possibility of achieving what I consider to be a fairer and more equitable reapportionment provision for the state of Michigan. If this new constitution is adopted—which I feel confident it will be—the deletion of this would give us several more senators in Wayne county immediately. We would end up with 10 state senators and it would give people of Oakland county, who are very under represented, 3 senators. The other counties would also have fairer representation under this provision, provided we delete this section 6.

It seems to me that those of us who are from the metropolitan area are put in the very peculiar position indeed if we vote to keep section 6 and find that this constitution is adopted and that we thereby have taken away from us several senators to which we would otherwise become entitled. For this reason I rise to support the amendment to delete section 6.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, may I state in response to Mr. Downs' remarks that I'm a little tired of having the attorney general of this state make pronouncements about what is constitutional and what is not.

I think any lawyer who gives careful review to the opinions of the Michigan supreme court rendered 2 weeks ago in Scholle vs. Hare, and to the opinions of the justices of the United States supreme court in Baker vs. Carr, and to the remarks of Mr. Justice Potter Stewart last Friday, would recognize that the formula for senate apportionment which we provide in the new constitution meets every standard yet announced by the United States supreme court for validity under the fourteenth amendment of the United States constitution. I think that our formula, if presented to the Michigan supreme court, would very likely be upheld by the Michigan supreme court and I rely, in stating that, not only on the opinion of the 3 justices who dissented, but on the opinions of Mr. Justice Souris and Mr. Justice Smith, who concurred and who did not subscribe to the very limited opinion of Mr. Justice Kavanagh.

There is nothing in the opinion of the United States supreme court which would make the senate apportionment formula which we have provided in the new constitution in any way violative of the federal constitution. The problem is before that court at this time and I think it's extremely unfortunate that we are confronted this morning with an opinion which is, in my judgment, politically inspired and professionally valueless. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Nord.

MR. NORD: Mr. President, that's the first time I've been applauded before I spoke. (laughter) Thank you very much.

Mr. President, Mr. Van Dusen has opened the floor to a flood of comments. I hope we won't have a flood, but I would like to make this point: first of all, the attorney general's opinion cannot be dismissed as hogwash. But further—

PRESIDENT NISBET: Mr. Nord, would you move back just a little bit further from the microphone? Your voice would come through better.

MR. NORD: Would you make a suggestion of 20 or 30 feet?

PRESIDENT NISBET: This is no discourtesy. It's due to the operation of the mike. Mr. Nord.

MR. NORD: As Mr. Cudlip said, I didn't know we had a microphone here. Mr. President, there are 2 experts, or at least 2 people who have worked harder on apportionment in this convention than any other people. One of them is Mr. Hanna; the other is myself. Both of us have announced to the press previous to the holding of this meeting today that we believe that this 80-20 provision—which was drafted by Mr. Hanna over my opposition—is unconstitutional. He is a lawyer; I am a lawyer. We have had close contact with the subject. We both believe—unless he tells me to the contrary now—we both believe it is unconstitutional. The only court decision is the Michigan supreme court decision. They have stated that, in their opinion, when it reaches them it will be unconstitutional.

I am not advised, as Mr. Van Dusen says, that there is pending in the United States supreme court any review of the Scholle case. If that is so, I would like to be advised. I understand that somebody is thinking of filing a petition for certiorari, but I am not advised that there has been any such petition. As it stands right now the law has been announced by the supreme court of Michigan, and then as to the future we have the opinion of the attorney general. Then you have before you the opinions of both the people who worked the hardest—the lawyers—on this subject. All of them are on the same side of the issue. They all say that it's unconstitutional. If you wish to ignore that, you can do so. But I think that you should have that before you.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President and fellow delegates, I just wanted to make one comment at this time because I've been hearing so much around the state that we ought to take what we're given. And it reminds me an awful lot of the man who had \$150 stolen from him, who then was told by the burglar that he'd be willing to give him 50 bucks and he ought to go home and be satisfied. I might say too, to Mrs. Cushman, that when I first decided to run for this office of delegate, I remember very distinctly that the league of women voters and others said that one of the very most important things that we were coming up here to decide was reapportionment. And they didn't say that they wanted half measures. They said they wanted reapportionment as it should be: by population. Now I might say to Mrs. Cushman and others who always bring this subject up—rather, they keep making the comment that we ought to take what we can get—that it's no different, her making that remark, than a judge saying, after a man has been ordered hung, that he'll only be dropped 10 feet instead of 30.

PRESIDENT NISBET: The question is on the amendment of Dr. Hannah. This is a record roll call vote. Mr. Downs.

MR. DOWNS: Mr. President, I would like to point out to the delegates, in as calm and as reasoned a fashion as I can, that the senate we now have in the state of Michigan is that under the 1908 constitution. The courts way back, before any present member of the state supreme court was even on the court—and that's how far back that goes—ruled that under the 1908 constitution there could not be a difference of more than 2 to 1 in population and did not approve a difference of more than 2 to 1. That's what we have now—it's temporarily stayed by one justice of the United States supreme court—that's what we have. The provision in this section would provide a population difference of $4\frac{1}{2}$ to 1 and would take from the urban areas senatorial representation that we are entitled to under the 1908 constitution and that the Michigan state supreme court has ordered and, I will predict, will be in effect as soon as the United States supreme court acts. It's regrettable that the motion to recess was rejected because that would have given Delegate Van Dusen and me the opportunity to discuss what the highest court said rather than what he and I are predicting it will say. And therefore, I urge we vote against this and keep the 1908 language which has one house—the senate—on population, and the sec-

ond house, for those who make such a fetish of area, on an area factor.

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, in view of the tone of the discussion, I should like to submit a letter from the director of research and drafting of this convention and ask that the secretary read it into the record at this time.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Letter from Charles W. Joiner, the associate dean of the University of Michigan law school, addressed to John Hannah, president, Michigan State University, under date of July 27, "Dear Dr. Hannah: I write as"—

MR. MADAR: Mr. President, I rise to a point of order.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Shouldn't this only be done when there are no objections—

PRESIDENT NISBET: It is part of Dr. Hannah's remarks.

MR. MADAR: —and I am objecting.

PRESIDENT NISBET: This is a part of Dr. Hannah's remarks, Mr. Madar. They may be made. Mr. Chase will read.

SECRETARY CHASE: The letter reads:

Dear Dr. Hannah:

I write as the director of research and drafting for the constitutional convention although I am not now on the staff of the convention for my interest continues in the success and well being of that body. Perhaps I can contribute something to the solution of the problem facing you as a result of the recent decision in Scholle v. Hare. I shall not be present at the time you convene on August 1. It is important that you have an objective analysis of the constitutionality of the con con proposal to apportion the house and senate made after the Scholle case.

1. The problem is one of the constitutionality under the federal constitution. The supreme court of the United States is the final arbiter of this, not the supreme court of Michigan.

2. Contrary to anything in one of the opinions handed down by the supreme court of Michigan, the decisions in the 2 Michigan cases cited, Giddings v. Secretary of State, 93 Michigan 1, and Williams v. Secretary of State, 145 Michigan 447, which are the bases for the court's use of a 2 for 1 population standard do not stem from federal constitutional language but are merely stating a standard that was applicable to the language of the 1850 constitution requiring specific apportionment on the basis of population.

3. The supreme court of the United States has as yet given no indication that any standard based solely upon population will be required.

4. In fact, the contrary has been indicated by the supreme court for the thrust of Baker v. Carr, if any standards can be read into that case, is that any scheme of apportionment based on reason and rationality will be sustained. The same idea is expressed by Mr. Justice Stewart in his decision to stay Scholle v. Hare when he said that new issues were presented in the Scholle case that were not decided in Baker v. Carr.

5. Most of the litigation and judicial decisions in the various states in federal and state courts since Baker v. Carr has been based on the failure of the legislatures to carry out a state constitutional mandate to reapportion.

6. Decisions are being handed down by lower federal courts and state courts indicating that it is not necessary (unless required by a state constitution) to apportion on the basis of population in both houses (see the Maryland decision on this point).

7. The proposed constitutional provision has one house pretty largely based on population and the other house predicated upon a rational idea of ability to represent constituents effectively. This provision would in all probability be sustained by the supreme court of the United States if given a chance.

8. In the Scholle case the Michigan court does not squarely hold that the constitutional convention proposal is bad. Two judges do indicate in dictum that this would

be true but this dictum contains a bad fallacy for it stems from interpretation of language appearing in the 1908 constitution requirement of apportionment on the basis of population and is not a fair statement of the requirements of the equal protection clause of the federal constitution, the clause against which your proposal must be tested.

Two other judges concurred in the result but did not say that as a minimum, the standard test will be 2 for 1 population. These judges merely talked about the requirement of a rational scheme of apportionment. The 3 dissenting judges clearly would sustain the plan.

Thus it is not unlikely that even in the Michigan supreme court the con con plan, if approved by the people as a part of the constitution, would be sustained by the Michigan court. It seems clear, however, as clear as anything can be in this muddled area that even if it were not sustained by the Michigan supreme court, the supreme court of the United States would uphold it. There is nothing in your plan that violates the equal protection clause of the United States constitution or any other relevant provision, as interpreted by the supreme court of the United States. Only if you permit in some way a vote on your plan and it is adopted can it ever be tested. It can only be tested fairly as a part of a constitution.

Sincerely yours,
Charles W. Joiner.

PRESIDENT NISBET: The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, because of the limitation of time, which we are all operating under in this one day session, but more important, because I believe that the issue has now been fully discussed, I move the previous question.

MR. NORRIS: Mr. President.

PRESIDENT NISBET: The question is on the motion of Mr. Wanger for the previous question. Is the demand seconded?

MR. NORRIS: Mr. President.

PRESIDENT NISBET: Sufficient number up.

MR. NORRIS: I'd like to move, Mr. President, to limit debate to 10 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Norris that debate be limited to 10 minutes. Those in favor of the motion say aye. Opposed, no.

The motion prevails. Mr. Norris.

MR. NORRIS: Mr. President, I would like at this time to express the observation—

PRESIDENT NISBET: The convention will be in order.

MR. NORRIS: —that the opinion of the attorney general be incorporated in the record without being read, in light of the Chair's ruling on Mr. Madar's point of objection to the reading of Mr. Joiner's letter into the record. I'd like to have that included as part of my remarks as well and ask that that be done, sir.

PRESIDENT NISBET: It will be so included.

Following is the opinion:

State of Michigan

Frank J. Kelley, Attorney General

Constitutional law: equal protection of the laws under the fourteenth amendment to the constitution of the United States.

Senate: apportionment of Michigan senate under proposed constitution.

Article IV, section 2 and section 6 of the schedule and temporary provisions of the proposed constitution perpetuate invidious discrimination in Michigan senatorial districts now practiced under article V, section 2 of the constitution of 1908, as amended by the people in 1952 and condemned by the Michigan supreme court in *Scholle v. Hare* (July 18, 1962), 367 Michigan 176, and are unconstitutional as violative of the fourteenth amendment to the constitution of the United States.

In the event the provisions of article IV, section 2 of the proposed constitution are effective upon approval of the revised constitution by the people, article IV, section 2 is

unconstitutional as in violation of the fourteenth amendment to the constitution of the United States.

Opinion 4093

July 31, 1962

Mr. Tom Downs

Vice President

Michigan Constitutional Convention

Constitution Hall

Lansing, Michigan

I am in receipt of your letter of July 23 in which you indicate that the Michigan constitutional convention of 1961-1962 has proposed article IV, sections 2 and 6 as they relate to the apportionment of the Michigan legislature.

Article IV, section 2 provides as follows:

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. The constitutional convention proposes a commission on legislative apportionment as set forth in article IV, section 6, which reads in pertinent part as follows:

A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of

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

Based upon these facts you ask the following questions:

1. Is article IV, section 2 of the proposed constitution constitutional?

2. Is article IV, section 6 of the proposed constitution constitutional?

In response to your first question, not only is it necessary for me to consider section 2 of article IV, but also section 6 of the schedule and temporary provisions which has been made a part of the proposed constitution as approved on the third reading by the constitutional convention on May 11, 1962. This portion of the schedule and temporary provisions states:

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 divided 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.

A plain reading of section 6 of the schedule and temporary provisions indicates that the present apportionment of the Michigan senate as provided by article V, section 2 of the Michigan constitution of 1908 as amended by the people in 1952, shall remain intact with the exception that the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into 2 senatorial districts, and Wayne county into 8 senatorial districts in accordance with this constitution in the event the proposed constitution is approved by the people. However, the legislature is given authority to give prior effect to section 2 of article IV of the constitution, which action shall not be subject to veto by the governor.

Assuming that the proposed constitution is adopted, presumably in April of 1963, the constitution shall not become effective until January 1, 1964. Upon such contingency the senate would be increased from 34 members to 38 with the 3 additional seats to be divided among the counties of Genesee, Macomb and Oakland and an additional seat given to Wayne.

It should be observed that this portion of the schedule and temporary provisions has no effect upon Kent county, already possessed of 2 senators under the constitution of 1908, as amended.

Unless the legislature were to act to give earlier implementation to article IV, section 2 of the proposed constitution, Michigan senatorial districts are provided by article V, section 2 of the constitution of 1908 and would prevail until the year 1970 with the exception of the 4 additional senatorial seats to be divided among Genesee, Macomb, Oakland and Wayne counties respectively.

The Michigan supreme court in *Scholle v. Hare* (July 18, 1962), 367 Mich. 176, has struck down the senate apportionment provided by article V, section 2 of the Michigan constitution of 1908, as amended. On July 27, 1962, the Honorable Potter Stewart, associate justice of the supreme court of the United States, stayed the judgment of the Michigan supreme court pending the timely filing of a petition for a writ of certiorari with the stay to continue pending the final disposition of the case upon timely filing of the petition for the writ of certiorari.

While it is true that Mr. Justice Stewart stayed the judgment of the Michigan supreme court, nevertheless the decision of the Michigan supreme court in *Scholle v. Hare*, supra, establishes the law in the state of Michigan and unless the United States supreme court assumes jurisdiction of *Scholle v. Hare* and reverses the decision of the Michigan supreme court, the decision in *Scholle v. Hare*, supra, will represent the leading case on apportionment in the state of Michigan.

Under its decision, *Scholle v. Hare* holds that article V, section 2 of the Michigan constitution, as amended by the people in 1952, violates the equal protection clause of the fourteenth amendment to the constitution of the United States in that senatorial districts provided in the Michigan constitution are invidiously discriminatory.

Under article IV, section 2 of the proposed constitution and section 6 of the schedule and temporary provisions, Michigan senatorial districts are to be substantially continued in their present form until 1970 with the exception of 4 additional seats to be awarded upon the effective date of the constitution, subject to earlier implementation by the legislature.

The conclusion is imperative that the delegates to the Michigan constitutional convention, if they retain article IV, section 2 and section 6 of the schedule and temporary provisions in their present form, will be continuing the senatorial districts that our court has struck down as invidiously discriminatory. It is patent that the additional 4 seats do not correct the disparity in population between Michigan senatorial districts. At best the addition of 1 senatorial seat to Oakland county, Genesee county, Macomb county and Wayne county, reduces the disparity from the extreme 12½ to 1 to about 6 to 1. In any event, it is my opinion that the majority holding in *Scholle v. Hare*, supra, would demand that such provisions fall under the sweep of the fourteenth amendment to the constitution of the United States.

Under the concurring opinion of Mr. Justice Souris, it must be concluded that such disparity would be neither minor nor unavoidable so that the constitutional provisions in question would be discriminatory and in violation of the equal protection clause to the fourteenth amendment. Nor does the fact that the schedule authorizes the legislature to implement article IV, section 2 of the proposed constitution at an earlier time than 1970 supply constitutional validity.

The Michigan supreme court in *Rassner v. Federal Collateral Society*, 299 Mich. 206, in passing upon the constitutionality of a statute which provided a summary proceeding for recovery of property pawned without the owner's consent although actual notice was given, held that due process of law cannot depend upon the grace or favor of the court to give notice and opportunity for hearing. The constitutionality of an act must depend upon the provisions of the act itself.

Similarly in *Ridenour v. County of Bay*, 366 Mich. 225, the court struck down a bond validation statute for failure to afford due process of law to persons affected under it even though the court had provided notice on its own order. The court said that the due process of law had to be afforded by the statute itself rather than by the whim and caprice of the court. By analogy, the test of article IV, section 2 of the proposed constitution and section 6 of the schedule and temporary provisions, must be made by the

language of the constitution itself and not by the possibility that the legislature may choose to implement article IV, section 2 at some earlier time than 1970. Equal protection of the laws cannot be premised upon the favor of a majority vote of the legislature to give earlier implementation. Therefore it is my opinion that article IV, section 2 of the proposed constitution of the 1961-1962 constitutional convention violates the equal protection clause of the constitution of the United States.

I am, of course, aware of the fact that under the rules of the constitutional convention the delegates to the constitutional convention by 2/3 vote may suspend the rules and make changes to the document adopted on May 11, 1962. It has been suggested that section 6 of the schedule and temporary provisions be changed to make article IV, section 2 immediately effective upon the adoption of the constitution. Consequently it is necessary for me to consider the constitutional validity of article IV, section 2 in light of this possibility.

At the outset it is necessary to state briefly the proposed scheme of operation of the particular portion of the constitution. The framers would apportion the senate on 2 bases:

1. Upon a formula for each county unit based upon percentage of land area and a percentage of population based upon the last federal decennial census, multiplied by the factor 4.

2. After arriving at an apportionment factor for each county to treat counties with 13 or more apportionment factors one way and those with less than 13 apportionment factors in another.

Significantly the last sentence of subsection (2) of section 2 of the article reveals the true intent of the framers when it states, "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."

The conclusion is inescapable that the delegates to the constitutional convention have labored to preserve the present system of apportionment found constitutionally invalid in *Scholle v. Hare*, supra, and to sustain the present districting under a formula that practices discrimination twice against population not only through dilution by area but also through dilution by county depending upon apportionment factors attributed to the county under the formula.

The Michigan supreme court has said in *Attorney General, ex rel Eaves, v. State Bridge Commission*, 277 Mich. 373, that the state may not do indirectly that which it is forbidden to do directly. It is apparent that the provisions of article IV, section 2 of the proposed constitution present a patent effort to preserve the invidious discrimination in senatorial districts condemned in *Scholle v. Hare*, supra, by indirection.

Historically in Michigan the senate has been apportioned on a population basis as near as may be but along county lines. *Giddings v. Secretary of State*, 93 Mich. 1, *Williams v. Secretary of State*, 145 Mich. 447. See excellent discussion of the history of the apportionment of the Michigan senate in the dissenting opinion of Mr. Justice Smith in *Scholle v. Hare*, 360 Mich. 1.

The history of the house of representatives reveals that it has not been apportioned upon a strict population basis because the people have provided that certain governmental units, such as townships or cities, shall not be divided in the formation of a representative district and each county shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. See article IV, section 4 of the constitution of 1835; article IV, section 3 of the constitution of 1850, and article V, section 3 of the constitution as amended by the people in 1952.

While article IV, section 3 of the proposed constitution requires house of representative districts to be apportioned

on a population basis, nevertheless this portion of the proposed constitution imposes requirements that each county which has a population of not less than 7/10 of 1 percent of the population of the state shall constitute a separate representative district, subject to other limitations as well.

It must be concluded, therefore, that under the proposed constitution neither house of the Michigan legislature is apportioned upon a strict population basis without any other factor.

While the United States supreme court has not implemented *Baker v. Carr*, 369 US 186, with a final definition as to what factors may be considered in the apportionment of state legislatures in order to satisfy the equal protection clause to the constitution of the United States, nevertheless since *Baker v. Carr*, supra, there has been an unmistakable flow of opinions of 3 judge federal district courts which have enumerated a rule that in my judgment is probably controlling.

Guidance may be obtained from the 3 judge federal district court that reconsidered *Baker v. Carr*, (June 22, 1962), on remand from 369 US 186, 179 Fed. Supp. 824 (Tennessee), and rendered an unanimous opinion that required the state of Tennessee to reapportion at least one house of the Tennessee legislature on a strict population basis without regard to any other factor. In *Baker v. Carr*, supra, on remand, the court tested the reapportionment of the Tennessee house and senate by the test of rationality based upon population, area and governmental units. The court recognized that one house could by reasonable classification take into consideration the protection and recognition to its less populous governmental units so that apportionment upon the 2/3 population—governmental unit basis—was permissible provided that the other house was on a strict population basis.

To the same effect is *Toombs v. Fortson* (May 25, 1962), 205 Fed. Supp. 248 (Georgia), where the 3 judge federal district court held that one of the houses of the Georgia legislature had to be on a strict population basis recognizing that it may be necessary for both houses to be on a strict population basis, but the court was hesitant to order this in the absence of a definitive decision of the United States supreme court.

Likewise in *Sims v. Frink* (April 14, 1962) 205 Fed. Supp. 245 (Alabama), a 3 judge federal district court required that at least one of the houses of the Alabama state legislature be apportioned upon a strict population basis without any other factor.

I am persuaded that the aforesaid decisions of the various federal district courts represent the very minimum that will serve as the basis of final definition of the fourteenth amendment to the constitution of the United States as may be laid down by the supreme court of the United States, although it is my considered judgment that a rational plan to give constitutional validity to the other house must recognize population as an important factor.

Under these authorities it must be concluded that since neither section 3 nor 4 of article IV of the proposed constitution provides for apportionment of either house of the Michigan legislature upon a strict population basis, article IV, section 2, as it relates to the senate, must fall as violative of the fourteenth amendment to the constitution of the United States.

While we recognize that the aforesaid authorities are those of lower federal district courts, nevertheless they offer sufficient guidance to inform the Michigan constitutional convention of 1961-1962 that article IV, section 2, in my opinion, violates the equal protection clause of the fourteenth amendment to the United States constitution.

Due to the limitation in time it will be necessary for my office to consider the second question separately and the opinion will be submitted to you as soon as it is ready.

Frank J. Kelley, attorney general.

MR. NORRIS: Now, with regard to an observation that

I should like to make on my own on the matter now before us, Mr. President, I think that what we ought to recognize is the issue involved in the matter before us and the matter before the people of the state of Michigan. As I understand it, the Michigan supreme court stated that the freezing and other aspects of the 1952 amendment and so called balanced legislature in relation to the senate was unconstitutional, and in so doing stated also that the standard in the 1908 constitution thereby becomes the law of the state of Michigan. As against that proposition you have a formula in the proposed document before us. And it seems to me the issue is clear: if you want a population standard, then you support the defeat of the constitution and the recognition that 1908, according to the inhabitants thereof, then becomes the standard of apportionment; if you want a standard other than that, then you support the proposed document standard. It seems to me that is the issue involved in the question on approval of section 6 or on approval of the constitution as a whole.

PRESIDENT NISBET: The question is on the amendment of Dr. Hannah. It is a record roll call vote. Those in favor of the amendment of Dr. Hannah to delete section 6 will vote aye as their names are called. Those opposed will vote no. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—94

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Anspach	Haskill	Rajkovich
Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Bentley	Higgs	Romney
Blandford	Howes	Rood
Bonisteel	Hubbs	Rush
Brake	Iverson	Seyferth
Brown, G. E.	Judd, Mrs.	Shackleton
Butler, Mrs.	Karn	Shaffer
Conklin, Mrs.	Kirk, S.	Shanahan
Cudlip	Knirk, B.	Sharpe
Cushman, Mrs.	Koeze, Mrs.	Sleder
Danhof	Krolikowski	Spitler
Dehnke	Kuhn	Stafseth
Dell	Lawrence	Staiger
DeVries	Leppien	Stamm
Donnelly, Miss	Martin	Sterrett
Doty, Dean	McCauley	Stevens
Doty, Donald	McGowan, Miss	Thomson
Durst	McLogan	Tubbs
Elliot, A. G.	Millard	Turner
Erickson	Mosier	Tweedie
Everett	Nisbet	Upton
Farnsworth	Page	Van Dusen
Figy	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Powell	Woolfenden
Gust	Prettle	Yeager
Habermehl		

Nays—47

Austin	Follo	McAllister
Baginski	Ford	Murphy
Balcer	Garvin	Nord
Barthwell	Greene	Norris
Binkowski	Hart, Miss	Ostrow
Bledsoe	Hatcher, Mrs.	Pellow
Boothby	Hood	Perlich
Bowens	Hoxie	Sablich
Bradley	Hutchinson	Snyder
Brown, T. S.	Jones	Stopczynski
Buback	Kelsey	Suzore
Douglas	Leibrand	Walker
Downs	Lesinski	Wilkowski
Elliot, Mrs. Dais	Liberato	Young
Faxon	Madar	Youngblood
Finch	Mahinske	

SECRETARY CHASE: On the adoption of the amendment to strike out section 6, the yeas are 94; the nays are 47.

PRESIDENT NISBET: The amendment is adopted.

Following is explanation of vote submitted by Mr. McAllister:

My reason for voting no on the deletion of section 6 of the schedule is that the apportionment section of the constitution in my opinion is unconstitutional.

Following is explanation of vote submitted by Mr. Leibrand:

Section 6 of the constitutional schedule continues an extra senate seat to Kent county and allots an extra seat each to Genesee, Macomb and Oakland counties immediately. Reapportionment of the senatorial districts of the rest of the state would follow the 1970 census.

The amendment to delete section 6, made August 1, 1962, would advance the general senatorial reapportionment date to as soon as possible after the adoption of the new constitution.

I voted against the amendment for several reasons:

1. The change is a very important one. Many of the delegates never heard of the proposed amendment until about 9:00 p.m. on the evening of July 31. Most of the delegates never heard of it until it was offered on the floor of the convention at 11:00 a.m. on August 1. I believe such an important change deserves much more extended consideration.

2. Many things, particularly decisions of the United States supreme court and the Michigan supreme court, have occurred since this convention adjourned on May 11. The body most affected by the change is the Michigan state senate itself. The senate has been studying and working on this problem for the past 2 weeks or more, and undoubtedly has more information on the problem than do the delegates of this convention. I am opposed to deleting section 6 until such time as a special committee of this convention has conferred at length with the proper committee or committees of the state senate regarding the course to take.

3. I realize that what I suggest will require further adjournment of this convention. I have no desire to return to Lansing again, but I would prefer to do this rather than make an irremediable error. It must be remembered that once the convention adjourns sine die, its powers are exhausted and, however bad an error may be, that error cannot be corrected.

MR. FORD: Mr. President.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: I'd like to make a parliamentary inquiry. It was my understanding that the specific language of the rules by which we were to play today was such that no substantive change will be made in the document as it was voted upon by a majority of the delegates when last we were assembled. I find difficulty with myself examining this thing, trying to find that this is not substantive. We have now taken an entire section out of the language. And I ask whether this now means that as a matter of fact, the rules that we are playing under today permit amendments from this floor from people such as Dr. Hannah during the consideration of a committee report to the substance of the constitution itself.

PRESIDENT NISBET: Mr. Ford, the rules were suspended by this convention for consideration of this special amendment. It does not open up the rest of the document.

The next order of business is the **report of the select committee on action against the secretary of state**. The chairman of the committee, Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, the select committee charged with the responsibility for the action against the secretary of state dealing with the date of submission of the document has delivered its report to the secretary and I'll ask that he read it. It proposes and recommends an amendment changing the date of submission from November to April and, to anticipate Mr. Ford's question, this is a specific exception to the rule under which we're operating provided for in that rule.

SECRETARY CHASE: The select committee on action

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	Krolikowski
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.

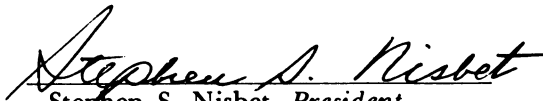
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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

State board of education.

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.

This is a new section providing for election of members of the state board of education to overlapping terms. It abolishes the present state board of education as of January 1 of the year following the first general election under the revised constitution.

Boards of control.

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.

This is a new section authorizing the legislature to arrange the procedures necessary for the overlapping terms specified for members of boards of control of institutions of higher education and the state board of public community and junior colleges.

Educational boards.

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.

This is a new section directing the legislature to implement provisions of the revised constitution, if adopted, to assure increases in numbers of members and years of their terms for boards governing Michigan State University and Wayne State University.

Initial allocation.

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.

This is a new section providing that the initial allocation of departments specified in the Executive Branch article shall be completed within two years. If not accomplished within that period, the governor is given authority to make the allocation within one year thereafter.

Contractual obligations remain in force.

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.

This is a new section recognizing and continuing any contractual obligations incurred by the state under the present constitution. Specifically, the section has reference to bond issues authorized by Sections 20a, 23a, 24, 25 and 26, Article X, of the present constitution which have been eliminated from this document.

It appears that there are no constitutional obligations remaining in connection with the first four sections (World War I bonus, World War II bonus and T.B. hospital construction bonds). Under Sec. 26 authorizing the borrowing for the bonus for veterans of the Korean war there remains an obligation for continuing appropriations of sufficient funds to meet the payment of both principal and interest. The legislature has assumed the responsibility for any claims under this section by making them a general fund liability (Act No. 11, P.A. 1958).

Mackinac Bridge refunding.

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.

This is a new section permitting the legislature to borrow money for refunding of bonds issued by the Mackinac Bridge Authority. Approval of such a proposal must be by two-thirds vote of the members elected to and serving in each house. Placing the full faith and credit of the state behind these bonds might result in interest savings of about \$1 million annually, according to reliable estimates.

The section further provides that if the legislature should authorize refunding of the bonds the Mackinac Bridge Authority will be dissolved and operation of the bridge will be assumed by the state highway department.