Michigan Constitutional Convention of 1961
Committee Proposals 44c & 71g
Const 1963, Schedule, § 3

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3437, 3445, 3448, 3473

First Reading . . . . . pp. 699, 756, 846-850, 863-866, 1766-1771, 1900-1905, 2008-2013, 2075-2076, 2179-2180, 2206-2212, 2620, 2851

Second Reading . . . . . pp. 2737, 2743-2744, 2754-2755, 3027-3028

Draft Constitution (Schedule, § 3) . . . . . pp. 3047-3075 (p. 3073)

Third Reading, Article-by-Article . . . . . pp. 3198, 3201-3206, 3208-3210

Draft Constitution (Schedule, § 3) . . . . . pp. 3215-3237 (p. 3236)

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

Adopted Constitution (Schedule, § 3) . . . . . pp. 3319-3353 (p. 3351)

Address to the People . . . . . p. 3408

Overview of the Constitutional Convention Process

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

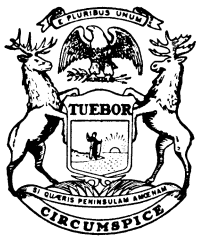
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

TABLE III—ARTICLES AND SECTIONS OF 1963 CONSTITUTION TO 1908 CONSTITUTION WITH COMMITTEE PROPOSAL REFERENCE (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
Art.	Sec.	Art.	Sec.	
IX	7	none		51
IX	8	X	23	39a
IX	9	X	11	38
IX	10	none		39a
IX	11	X	23	39b
IX	12	X	22	23a
IX	13	VIII	10, 15a, 20,24	49
IX	14	X	10	23b
IX	15	X	10,20a, 23a,24, 25,26	23b
		S	4	
IX	16	X	27,28	23d
IX	17	X	16	37b
IX	18	X	12	23c
IX	19	X	13	37d
IX	20	X	15	37a
IX	21	X	18	37c,78
IX	22	VI	20	74
IX	23	X	17,18	37c[1]
IX	24	none		40
X	1	XVI	8	63
X	2	XIII	1,2	67
X	3	XIV	1,2,3,4	12
X	4	VI	20	74
X	5	none		129
X	6	XVI	9	43
XI	1	XVI	2	25
XI	2	XVI	1	61
XI	3	XVI	3	62
XI	4	X	19	55
XI	5	VI	22	22
XI	6	none		76,81m
XI	7	IX	1,2,3,4	42a,b,c,d
XII	1	XVII	1	64
XII	2	XVII	2,3	65
XII	3	XVII	4	66

1963	1908	Committee Proposal
Schedule	Schedule	44
1	S 8	44d
2	S 2,3,4	44b
3	S 5	44c,71g
4	S 6	68b
5	VI 1	71a
	V 2	80b
6	none	91a
7	none	96f
8	VII 23	96j
9	XI 2,6	47
10	none	98c
11*	XI 7,16	...
12	none	71b
13	X 10,20a, 23a,24, 25,26	6
	S 4	
14	none	23b
15	S 10	68a
16	S 11	68c

Committee Proposal No. **Page**

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

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

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

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

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

Committee Proposal No. **Page**

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

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

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

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

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

Committee Proposal No. **Page**

65: Cont'd.
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2458-2472
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting .. 2472
Apr. 26, reported by style and drafting (Report 113); placed on order of second reading 2852
May 1, read second time; passed; rereferred to style and drafting 3004-3006

66. A proposal relative to amendment and revision. Amends section 4 of article XVII.
For text as offered and reasons 2472
As referred to style and drafting 2472
As reported by style and drafting 3006
As rereferred to style and drafting 3013
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2472-2490
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 20, reported by style and drafting (Report 114); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3006-3013

67. A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution.
For text as offered and reasons 2580
As referred to style and drafting 2848
As reported by style and drafting 3035
As rereferred to style and drafting 3035
Feb. 2, reported by miscellaneous provisions and schedule; referred to committee of the whole 756
Apr. 18, read first time; considered, amended by committee of the whole 2580-2597, 2598-2602
Apr. 25, considered, amended, passed by committee of the whole 2829-2848
Apr. 25, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2848
Apr. 26, reported by style and drafting (Report 121); placed on order of second reading 2870
Apr. 30, consideration postponed 2997
May 1, read second time; passed; rereferred to style and drafting 3035-3042

68. A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule.
For text as offered and reasons 2490
As referred to style and drafting 2490
As reported by style and drafting 3031
As rereferred to style and drafting 3035
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2490-2492
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 26, reported by style and drafting (Report 115); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3031-3035

69. A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1.
For text as offered and reasons 2427
For minority report and reasons 2428
As referred to style and drafting 2448
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 13, read first time; considered, amended, passed by committee of the whole 2427-2437
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2448
(Note: The entire content stricken.)

Committee Proposal No. **Page**

70. A proposal to revise provisions of section 36 of article V regarding the veto power of the governor.
For text as offered and reasons 1717
For minority report and reasons 1718
As referred to style and drafting 1717
As reported by style and drafting 2769
As rereferred to style and drafting 2769
Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole 738
Mar. 19, read first time; considered, passed by committee of the whole 1717-1720
Mar. 19, reported by committee of the whole without amendment; referred to style and drafting 1730
Apr. 19, reported by style and drafting (Report 73); placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2769-2770

71. A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.
For text as offered and reasons 1766
For minority reports and reasons 1769
As referred to style and drafting 2211
As reported by style and drafting 2743
As rereferred to style and drafting 2743
Feb. 2, reported by executive branch; referred to committee of the whole 756
Mar. 20, read first time; section a considered by committee of the whole 1766-1784
Mar. 21, section a considered, amended by committee of the whole 1787-1814
Mar. 22, sections a, b considered; section a amended, passed by committee of the whole 1816-1844
Mar. 23, section b considered, amended by committee of the whole 1845-1865
Mar. 26, section b considered, amended by committee of the whole 1867-1874, 1875-1889
Mar. 27, sections b, c, d, e, f, g considered; section h offered, adopted; sections b, d, f, g amended, passed; sections c, e passed by committee of the whole 1892-1920
Mar. 28, section i offered, amended by committee of the whole 1921-1950
Mar. 29, consideration postponed by committee of of the whole 1954
Mar. 29, section i considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole 1976-1986, 1988-2006
Mar. 30, considered, passed by committee of the whole 2008
Mar. 30, reported by committee of the whole with 11 amendments; consideration of report postponed to Apr. 3 2009-2013
Apr. 3, report of committee of the whole postponed 2075-2076
Apr. 5, report of committee of the whole considered; amendments 1 through 10 concurred in; amendment 11 (section i) considered 2179-2190
Apr. 6, amendment 11 (section i) considered, substituted, concurred in; amended; referred to style and drafting 2192-2212
Apr. 19, reported by style and drafting (Report 72); placed on order of second reading 2620
Apr. 24, consideration postponed 2737
Apr. 24, read second time; rules suspended, section i made Committee Proposal 71A (see history immediately below); passed; rereferred to style and drafting 2743-2755

Page

Article X, Section 2: Cont'd.
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; amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people.... 3403

Section 3. Homestead and personalty, exemption from process. (Committee Proposal 12)
May 7, reported; placed on order of third reading .. 3045
May 8, read third time; 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 3347
For text, and comments in address to the people.... 3403

Section 4. Escheats. (Committee Proposal 74)
May 7, reported; placed on order of third reading 3045
May 8, read third time; 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 3347
For text, and comments in address to the people 3403

Section 5. State lands. State land reserve. (Committee Proposal 129)
May 7, reported; placed on order of third reading 3045
May 8, read third time; 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 3347
For text, and comments in address to the people .. 3403

Section 6. Resident aliens, property rights. (Committee Proposal 43)
May 7, reported; placed on order of third reading 3045
May 8, read third time; 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 3347
For text, and comments in address to the people 3403

ARTICLE XI. Public officers and employment. (Committee Proposals 22, 25, 42a, b, c, d, 55, 61, 62, 76 and 81m)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; sections 5 (originally section 8) and 6 (originally section 13) amended; passed 3187-3198
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 3347-3349
For text, and comments in address to the people 3404-3406

Section 1. Oath of public officers. (Committee Proposal 25)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people 3404

Section 2. Terms of office of state and county officers. (Committee Proposal 61)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people 3404

Page

Article XI: Cont'd.
Section 3. Extra compensation. (Committee Proposal 62)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people 3404

Section 4. Custodian of public moneys; eligibility to office, accounting. (Committee Proposal 55)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time, passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people 3404

Section 5, paragraph 1. State civil service; exemptions. (Committee Proposal 22)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time, passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraphs 2 and 3 (originally section 6). Civil service commission; members, terms. State personnel director. (Committee Proposal 22)
May 7, reported (as section 6); placed on order of third reading 3045
May 9, read third time, passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraphs 2 and 3); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraphs 4 and 5 (originally section 7). Commission's duties as to classification, compensation, examinations, personnel transactions and conditions of employment. Certification of appointments or promotions; discrimination. (Committee Proposal 22)
May 7, reported (as section 7); placed on order of third reading 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraphs 4 and 5); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraph 6 (originally section 8). Increases or decreases in compensation. (Committee Proposal 22)
May 7, reported (as section 8); placed on order of of third reading 3045
May 9, read third time; amended; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraph 6); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraph 7 (originally section 9). Creation or abolition of positions. (Committee Proposal 22)
May 7, reported (as section 9); placed on order of third reading 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210

are not having what is called the committee of the whole or discussions on proposals this week because our committees have been working overtime to get the reports ready for the full convention. However, there will be committee meetings after the session. These are open to the public and you are very welcome to attend. You can check with the guides or on the bulletin board for the time and place of the meetings and we shall certainly be pleased to have you attend those meetings that are held today or next week or any other time, for that matter.

Mr. Greene.

MR. GREENE: Mr. President, I move that the convention do now adjourn.

VICE PRESIDENT DOWNS: All those in favor, signify by saying aye. Those opposed, by nay.

The ayes have it and the convention is adjourned until Monday at 8:00 p.m.

[Whereupon, at 10:10 o'clock a.m., the convention adjourned until 8:00 o'clock p.m., Monday, January 29, 1962.]

SIXTY-SEVENTH DAY

Monday, January 29, 1962, 8:00 o'clock p.m.

PROCEEDINGS

VICE PRESIDENT ROMNEY: The convention will **come to order.**

The **invocation** this evening will be offered by Delegate Charles Anspach.

MR. ANSPACH: Our Father, who art the origin of all that is good and fair and true, unto Thee we lift up our souls. Let Thy spirit enter our hearts. We pray we may not separate ourselves from Thee through selfish thoughts and deeds. Aid us in so directing our lives that we do not deprecate or injure others. Help us to understand that we are all children of Thine; may we govern ourselves accordingly. May we judge not or overlook the beam in our own eye before looking for the mote in our brother's eye. May Thy thoughts be our thoughts. May Thy spirit fill us so that others through us may see Thee.

Bless those who direct the affairs of our nation; may they include Thee in their deliberations so that wisdom may be theirs. Bless our state. Accept our gratitude for the blessings Thou hast showered upon us.

We pray that the work of this convention may meet Thy approval and be a blessing to the citizens of this state. Forgive our mistakes, grant us wisdom and bless our deliberations. Amen.

VICE PRESIDENT ROMNEY: The **roll call** will be taken by the secretary. Will all those present vote aye.

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

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

Prior to today's session, the secretary received the following requests for leave: Mr. Lawrence, from tonight's session; Mr. Walker has the flu and would like to be excused from the sessions of this evening and tomorrow.

VICE PRESIDENT ROMNEY: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Lawrence, Nisbet, Suzore, Thomson and Walker.

Absent without leave: None.

VICE PRESIDENT ROMNEY: **Reports of standing committees.**

SECRETARY CHASE: The committee on legislative powers, by Mr. Hoxie, chairman, reports back to the convention **Exclusion Report 2001,** A report recommending the exclusion of article VI, section 14; and **Exclusion Report 2002,** A report recommending the exclusion of article VI, section 15; with the recommendation that they be referred to the committee on executive branch.

T. Jefferson Hoxie, chairman.

For Exclusion Reports 2001 and 2002, see above, page 380.

VICE PRESIDENT ROMNEY: Referred to the committee on executive branch.

SECRETARY CHASE: Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduces **Committee Proposal 44,** A proposal pertaining to the schedule. Amends sections 1 and 8 of the schedule and adds 2 sections; with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 44 and the reasons submitted in support thereof, see below, page 846.

VICE PRESIDENT ROMNEY: Referred to the committee of the whole and placed on general orders.

SECRETARY CHASE: That's all of the standing committee reports, Mr. President.

VICE PRESIDENT ROMNEY: Reports of select committees.

SECRETARY CHASE: None.

VICE PRESIDENT ROMNEY: Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT ROMNEY: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT ROMNEY: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT ROMNEY: **Motions and resolutions.**

SECRETARY CHASE: Mr. Van Dusen offers **Resolution 68,** A resolution establishing the time of daily sessions.

Following is Resolution 68 as offered:

Resolved, That beginning February 1 the convention shall meet at 2:00 o'clock p.m. on Monday, and at 9:00 o'clock a.m. on Tuesday, Wednesday, Thursday and Friday, such schedule to continue until changed by the convention.

VICE PRESIDENT ROMNEY: Referred to the committee on rules and resolutions.

Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, just one comment, first, about this resolution. As you know, on Wednesday of this week we will complete the reporting by committees and thereafter it will not be necessary for the committees to meet on their regular schedules. We will have, however, beginning on Thursday of this week, a very full calendar on general orders which we must complete by February 21. Accordingly, the resolution which has just been offered recommends a change in the time of our daily general convention sessions.

Dehnke	Krolikowski	Sablich
DeVries	Kuhn	Sleder
Donnelly, Miss	Leibrand	Snyder
Doty, Donald	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Lundgren	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Faxon	Mahinske	Wood
Follo	Marshall	Young
Ford	McAllister	Youngblood

Nays — 71

Allen	Gust	Richards, L. W.
Andrus, Miss	Hannah, J. A.	Romney
Anspach	Haskill	Rood
Batchelor	Hatch	Rush
Beaman	Hubbs	Seyferth
Bentley	Hutchinson	Shackleton
Boothby	Iverson	Shaffer
Brake	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Knirk, B.	Stafseth
Danhof	Koeze, Mrs.	Staiger
Davis	Leppien	Sterrett
Dell	Martin	Stevens
Durst	McCauley	Tubbs
Elliott, A. G.	McGowan, Miss	Turner
Erickson	McLogan	Tweedie
Everett	Millard	Upton
Farnsworth	Nisbet	Van Dusen
Figy	Page	Wanger
Finch	Pollock	White
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Richards, J. B.	

On the motion to reconsider, the yeas are 60; the nays are 71.

PRESIDENT NISBET: The motion does not prevail.

Reports of standing committees.

SECRETARY CHASE: The secretary would like to suggest that, without objection, all of the remaining committee reports will have been processed this afternoon, and if it is agreeable with the convention, could be included in the journal of today, so that they will be on the general orders calendar for Monday.

PRESIDENT NISBET: Without objection, they will be so included in the journal, considered read, referred to the committee of the whole and placed on general orders.

Following are the remaining committee proposals and exclusion reports introduced January 31, 1962, which were considered read, referred to the committee of the whole and placed on general orders:

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 67, A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 67 and the reasons submitted in support thereof, see below under date of April 18.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 71, A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7; with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 71 and the reasons submitted in support thereof, see below under date of March 20.

[**Committee Proposal 73** withdrawn by committee.]

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 77, A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 77 and the reasons submitted in support thereof, see below under date of March 19.

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 79, A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4; with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 79 and the reasons submitted in support thereof, see below under date of March 30.

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 80, A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3;
with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 80 and the reasons submitted in support thereof, see below under date of April 2.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 86, A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27; with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 86 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 87, A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 87 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 88, A proposal pertaining to metropolitan areas. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 88 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 89, A proposal pertaining to county home rule. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 89 and the reasons submitted in support thereof, see below under date of February 15.

to the legislature itself the power of recount as to members of the legislature, in consonance with the constitutional provision that each house shall be the sole judge of the qualifications and elections of its members.

This material is, in the opinion of the committee, purely legislative in character. The matter of breaking tie votes and determining contested elections can be governed adequately by statute. As a matter of fact the present statutory law makes such provision in great detail. The power of the legislature to enact laws upon this subject matter is indisputable and we need not direct legislative action in this field.

The above referred to statute can be found in vol. 5, MSA, sec. 6.1851, being public act 351, 1925, part IV, chap. 17, or Callaghan's Michigan Digest, elections, sec. 63 and sec. 67.

The above statute provides the procedures and methods to be used in the event of a tie vote being determined after votes for certain offices are canvassed. In the event of a tie vote, this statute sets forth the procedures to be used to determine who shall fill the office by casting lots, and who shall supervise the determination by lot among the persons who have the right to the office.

CHAIRMAN BENTLEY: The gentleman from Fennville, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, this provision has to do with that section of the constitution which says presently:

> In all cases of tie vote or contested election for any state office, except a member of the legislature, any recount or other determination thereof may be conducted by the board of state canvassers under such laws as the legislature may prescribe.

In our opinion, this is a matter better left to the legislature and unnecessary to be stated in the constitution. This material is all covered in the election laws at the present time. It will continue to be so covered and is unnecessary to have a constitutional reference in order to make it work. Therefore, we think that this can be excluded from the constitution very appropriately.

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

MR. NORD: I would simply like to ask Mr. Hutchinson this question: am I correct in assuming that the board of canvassers is provided for elsewhere in the constitution and it will still continue to exist? Is that so?

MR. HUTCHINSON: Mr. Chairman, I understand that the board of state canvassers is provided for in the article having to do with the general elections — I think it is article III — and I understand that the committee report would continue that board, although you and I may argue about the necessity for creating a constitutional status for the board of state canvassers.

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

Exclusion Report 2016 is passed and the secretary will read.

SECRETARY CHASE: Item 8, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Exclusion Report 2017,** A report recommending the exclusion of article XVI, section 10.

Following is Exclusion Report 2017 as read by the secretary, and the reasons submitted in support thereof:

The committee on miscellaneous provisions and schedule recommends that article XVI, section 10 of the present constitution be excluded from the new constitution.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Exclusion Report 2017:

The committee recommends that the substance of section 10 of article XVI of the Constitution of 1908 be deleted from the new constitution. This section limited the lease of land for agricultural purposes to a term of 12 years. The committee believes that the provision serves no useful purpose at this time. The provision applies only to agricultural lands. There seems to be no compelling reason why the lease of agricultural lands should be treated differently than other lands. The subject matter appears to be of legislative rather than constitutional import. If at any time in the future, the state should believe it necessary to limit in any way the power of alienation, it could do so by statute, which statute would be applicable to all conveyances thereafter made.

CHAIRMAN BENTLEY: The gentleman from Fennville, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, this section is the old one having to do with agricultural land leases. It reads like this:

> No lease or grant of agricultural land for agricultural purposes for a longer period than 12 years, reserving any rent or service of any kind, shall be valid.

This provision seems entirely unnecessary in the middle twentieth century. We don't understand the necessity or the advisability any more of treating leases of agricultural land in any different manner than other leases of real estate, and inquiry of farm organizations in the state led us to believe that they are not concerned with this any longer. I would say again that any restriction on the right to lease property or to convey it and so on is a matter better left to statutory law, and this doesn't appear to be necessary in the constitution at all, so we recommend that it be excluded.

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

Exclusion Report 2017 is passed and the secretary will read.

SECRETARY CHASE: Item 9 on the calendar, from the committee on finance and taxation, by Mr. Brake, chairman, **Exclusion Report 2018,** A report recommending the exclusion of article X, sections 17 and 18 of the 1908 constitution.

Following is Exclusion Report 2018 as read by the secretary, and the reasons submitted in support thereof:

The committee on finance and taxation recommends that article X, sections 17 and 18 of the present constitution, be excluded from the new constitution.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Exclusion Report 2018:

The substance of sections 17 and 18 of article X has been included in section c of Committee Proposal 37.

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

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, sections 17 and 18 of article X cover the matter of accounting, record keeping, auditing and so forth. That material has been covered and, we believe, improved in the proposal that you approved in committee of the whole last week.

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

Exclusion Report 2018 is passed and the secretary will read.

SECRETARY CHASE: Item 10 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Committee Proposal 44,** A proposal pertaining to the schedule. Amends sections 1 and 8 of the schedule and adds 2 sections.

Following is Committee Proposal 44 as read by the secertary, and the reasons submitted in support thereof:

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

That no inconveniene may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that:

Sec. a. [The common law and the statute laws now in force,] ALL LAWS not repugnant to this constitution,

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

shall remain in force until they expire by their own limitations, or are altered or repealed.

Sec. b. 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, BODIES CORPORATE, AND OF THIS STATE OR ANY SUBDIVISION OR AGENCY THEREOF, EXISTING ON THE EFFECTIVE DATE HEREOF SHALL CONTINUE UNAFFECTED EXCEPT AS MODIFIED IN ACCORDANCE WITH THE PROVISIONS OF THIS CONSTITUTION.

Sec. c. ALL OFFICERS FILLING ANY OFFICE BY ELECTION OR APPOINTMENT SHALL CONTINUE TO EXERCISE 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.

Sec. d. The attorney general of the state shall [prepare and report] RECOMMEND to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 44:

Committee comment on section a: The committee has substituted the term "ALL LAWS" in place of the previous language which read, "The common law and the statute laws now in force". In so doing the committee has eliminated specific references to the "common law". It seemed to the committee that the general idea expressed in this section has a peculiar relevancy to statutory laws and that the notion of expiration by their own limitation or alteration or repeal is really not apt language to describe the common law of the state. In the absence of an express provision dealing with it, the law represented by the common law of the state will continue in force until repealed by statute or until modified or otherwise changed by the usual process of judicial decision. It seemed desirable to the committee to leave this to implication rather than to attempt to embrace the idea by a specific reference to the common law in this schedule.

Committee comment on section b: In this proposed section the committee has consolidated the language and the ideas previously contained in sections 2, 3 and 4 of the schedule of the Constitution of 1908. We have added to the generic terms included in section 2 the words "civil or criminal liabilities, contracts, claims, demands, titles and rights" which, in the opinion of the committee, adequately embrace all the specifics detailed in the old sections 3 and 4.

It is also to be noted here that this section allows a modification in accordance with the provisions of this constitution. This allows procedural changes to take place with respect to interests accrued or vested before the adoption of the revised constitution. This will allow, for instance, for the establishment at an early date of a new court system or for changes in the jurisdiction of courts or for procedural law changes. The committee feels there need be no fear that existing rights or liabilities would be modified in any substantial way because flexibility is written into this saving clause. It is clear that vested property and contract rights and other types of interest cannot substantially be impaired because of restrictions in the federal constitution, either under the contract clause or under the due process clause of the fourteenth amendment. Likewise, any changes in procedure and punishment with respect to crimes committed before the adoption of the revised constitution would be subject to ex post facto limitations under the federal constitution. In other words, permitting some modification in accordance with the provisions of this constitution would not open the door to retrospective impairment of substantive rights and liabilities but would preserve the opportunity for giving immediate effect to procedural and remedial changes consistent with the protection and continuation of accrued or vested rights and liabilities.

Committee comment on section c: The committee has consolidated into this section the concepts contained in the existing sections 5 and 7 of the 1908 constitution. The language, "ACCORDING TO THEIR RESPECTIVE COMMISSIONS OR APPOINTMENTS," includes necessarily the concept contained in the old section 7 concerning the compensation of public officers.

Committee comment on section d: The only change made by the committee in this particular section is to substitute the word "RECOMMEND" for the previous language "prepare and report". In recommending legislative changes the atttorney general may submit drafts he has prepared but the committee did not feel it was necessary to spell this out. The committee felt that the previous language might be interpreted as suggesting that legislative changes must originate with and be prepared by the attorney general. It is the committee's feeling that the revised wording adequately achieves the general purposes intended.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from Lansing, Mr. Erickson.

MR. ERICKSON: I will yield to Delegate Durst who, along with his subcommittee, prepared this and the next 2 sections.

CHAIRMAN BENTLEY: The gentleman from Lansing yields to the gentleman from Adrian, Mr. Durst.

MR. DURST: Mr. Chairman, section a is merely what is called a "saving clause;" that is, it continues in force all the presently operative statutes in the state of Michigan until they are either changed by the legislature or expire. In fact, it just continues it pretty much as it was in the previous constitution.

CHAIRMAN BENTLEY: Are there any amendments to the first clause? Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to ask Mr. Durst this question, I'm a little bit disturbed by his explanation, because I understood him to say that this would continue in force all the statutes for the state of Michigan. I will ask the gentleman if, in his opinion, this also will continue in force the common law.

MR. DURST: I think, Mr. Hutchinson, the common law continues in force in and of itself by definition. The common law is a law which exists where there is no statute or any other law which defines—it takes place where there is nothing formally promulgated.

I would point out here this was a considerable point of discussion in committee whether or not the words "the common law" should be removed. The problem is this: what we have done is adopt the language used in the model code, and the problem arises in that the common law is considered by the courts to be a living law; that is, it is a law that can change as conditions change without any formal action being taken, and the language as it reads in the 1908 constitution would require that either it expire by its own limitations or that it be altered or repealed; that is, that there be a statute passed. This has caused quite a problem in the courts. I have the annotations here of this section. It is the only section of the schedule that there have ever been any court cases on. There have been quite a few in recent years, the claim being made that the courts cannot by interpretation change the common law, because this section continues it in force until it is altered or repealed.

Now, we had this discussion, so we turned it over to the research department, and we received Professor Joiner's concurrence that this was the proper way to change this thing;

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

that it had caused problems and this was a proper correction. We went further than that and submitted the question to Professor Kauper of the University of Michigan law school who is a professor of constitutional law and, I think it is safe to say, one of the finest experts on this subject in the United States. He gave us a very definitive discussion of the subject. I will just read his opening statement:

> I think the committee's action in drafting this section in this way so as to eliminate the specific reference to the common law as it appears in the 1908 constitution is wise and desirable.

He goes on to give a detailed analysis of his reasons. Most of these are set forth in the committee's report in the journal.

I do not think we are abrogating the common law, Mr. Hutchinson, in any way.

MR. HUTCHINSON: Mr. Chairman, I think it desirable that there be no question at all about the fact that it is our intent that the common law continue in effect except as it is altered and so on by statute, and I say that I think it is necessary that we make this clear because I don't agree with Mr. Durst that the common law simply exists. I know in my limited knowledge my recollection is that at least 1 state in the 50 is not a common law state, that being the state of Louisiana. Down in the state of Louisiana the common law doesn't exist. It exists in Michigan. I think it is our intent that it shall continue to exist in Michigan, and I think that Mr. Durst and I perhaps take different views as to the wisdom of using those words "the common law" in this particular point. If by the meaning of the phrase "all laws" it is universally understood that that includes the common law, then I wouldn't press this point any further. I wouldn't have raised the point except, as I say, in his explanation Mr. Durst simply indicated that, in his opinion, the words "all laws" referred only to statute law.

CHAIRMAN BENTLEY: Does the gentleman from Adrian yield to the gentleman from Lansing, Mr. Wanger, for a question?

MR. DURST: Yes, I will.

CHAIRMAN BENTLEY: Mr. Wanger.

MR. WANGER: Mr. Chairman, Mr. Durst, I merely wish to ask about these cases which you say raise the question as to whether or not the common law could be modified in the traditional manner. How did these cases decide the issue? Did the cases not resolve the problem favorably?

MR. DURST: Yes, the cases do resolve the problem, Mr. Wanger. They, in effect, interpret the constitution as not including the words "the common law" here. I mean they don't say so specifically, but they go on to say that this provision does not prevent the common law from changing in a normally accepted manner; that is, through customary practice and so forth.

MR. WANGER: One further question then. Would the change in language which you propose work any practical change whatsoever in the law as it stands at this time?

MR. DURST: It is not our understanding that it does. We would think that the section that we are continuing here is continued just as it has been interpreted in this state ever since the Constitution of 1908.

MR. WANGER: Would it be fair to say, then, it is the definite intention of the committee and the belief of the committee that this does not work any practical change on this matter whatsoever?

MR. DURST: That is correct.

CHAIRMAN BENTLEY: The gentleman from Detroit, Mr. Mahinske.

MR. MAHINSKE: Well, briefly, in response to Mr. Wanger's last question, this was not the unanimous opinion of the committee. There are those of us in the committee who feel otherwise, and the secretary has an amendment on his desk.

CHAIRMAN BENTLEY: The secretary will read the amendment.

SECRETARY CHASE: Mr. Mahinske and Miss Donnelly offer the following amendment to section a:

1. Amend page 1, line 8, after "Sec. a.", by reinserting "The common law and the statute laws now in force,"; and by striking out "All laws" in line 9; so that the section will read:

> Sec. a. 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 altered or repealed.

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

MR. MAHINSKE: Without repeating any of the statements made by Mr. Hutchinson and some of the thoughts alluded to by others, I think that we are in a highly technical area here. In the future someone is liable to look at the old constitution and the new constitution and see that we have definitely stricken the words "common law" and put in "all laws." It may raise some doubt in someone's mind. And I think for the value of striking 6 or 8 words here, the hardship that may be created in the future could be avoided by leaving the old language in. And secondly, the most important area that I feel that this language comes into play is the criminal law area where there is definite reversion back to common law in areas where we don't have statutes or we don't have fines or penalties set up for certain crimes.

And just to repeat one point, I think that we are taking a dangerous step here that could be implied or applied exactly the opposite of what Mr. Durst states here. He states himself that he feels that this proposal will produce absolutely no change over and above what we have now, but I think by interpretation it may in the future, and I would like to avoid this. And I think that the amendment would preclude any misinterpretation because we would be keeping the existing language as the 1908 constitution sets it forth now.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Highland Park, cosponsor of the amendment, Miss Donnelly.

MISS DONNELLY: I would like to add to that to change this language and then to put forth in the report that "when we changed this language we didn't mean anything; we want it all to continue by implication" is an unnecessary act. If we mean what we say and what they said in 1908, in my opinion we should say it now, instead of saying "we don't mean anything by striking it, and by implication we mean the same thing." If we mean the same thing, we should say the same thing.

I definitely oppose the majority report in this instance, and move the adoption of the amendment.

CHAIRMAN BENTLEY: The gentleman from Adrian, Mr. Durst.

MR. DURST: I don't feel, Mr. Chairman, that this subject is one that requires a great amount of extensive debate, as the amendment itself would put us right back where we are now and the court interpretation would clear up the problem. The change has been made to make it conform to the way the courts have interpreted this section to read.

Now, as Mr. Mahinske said, this is a technical problem. Members of the subcommittee made their own decision. It was raised in the whole committee as to whether it was wise or not. We submitted it to research. We received the very confident opinion of Mr. Joiner. We went further and received the opinion of a man who spent many years in this particular field, Professor Kauper. You have their opinions.

If the committee wishes to replace the language as it was formerly, no great damage is going to be done, and I don't think we should spend an excessive amount of time on this.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from St. Clair Shores, Mr. Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I am speaking in behalf of the 88 delegates who may have some difficulty in following the technical aspects of this thing. I will say that I am not in favor of the amendment, because when we worked the thing out in committee, we felt that we should reduce the language as much as possible in a manner that would permit all to understand. In fact, this led to a comment by Mr. Durst at the time that we have the language clarified to such a point that possibly all the laymen in the convention could

understand it but the attorneys may have some difficulty, and I feel this is where we are now.

So I will say, as a self elected spokesman for the 88 people who do not have the problem, that this is something that is going to have to be decided by the 56 people who are more qualified on the thing. We feel that the intent of our discussion was that we did not want to change the content of the language as far as the spirit or the motives are concerned. We did want to reduce the language, the scope of the language, and take away from the length of the thing and simply put it in terms that we could all understand.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Battle Creek, Mr. Everett.

MR. EVERETT: Mr. Chairman, fellow delegates, I rise to oppose the amendment and support the committee report. I would remind those who are lawyers among the group and also many that are nonlawyers of a very recent case which upset the doctrine of governmental immunity. The court itself divided on the question of whether this language in the 1908 constitution prevented the court from changing the common law, many of the members of the court saying that the language which is being eliminated did prevent that change.

Now, traditionally, lawyers and courts have always felt that the common law, as Mr. Durst has suggested, is a living law and does change. The committee report plus the explanation in the report itself clearly indicates that the common law remains but that it follows the traditional course it always has and can be changed either by statute or by court interpretation. I think it is a more accurate statement of what at least this lawyer has always believed that the law was, and I think it should be retained.

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

MR. NORD: Mr. Chairman, I oppose the amendment and support the committee report. I would like to point out, as has been mentioned, that the language in the constitution has caused trouble. I realize the trouble has been resolved by the court, but I believe that if we readopt the language, then the court will have to reconfirm its previous position. We are going to invite more lawsuits. It seems to me if we know that the language did cause trouble, the best thing is to make the language in such a form that it does not cause trouble.

As far as the common law is concerned, it seems to me there is no reason for using the words "common law" in the constitution at all. The common law does not arise because the constitution says so; it arises because of the necessities of the case when courts are required to make decisions. When they are required to make decisions, they use the common law because they invented it themselves. The constitution did not invent it. Therefore, I believe the committee is correct and that the advice it got from eminent professors is correct, and we ought to adhere to the committee report.

CHAIRMAN BENTLEY: Is there further discussion on the amendment offered by the gentleman from Detroit and the lady from Highland Park? If not, the Chair will put the question. All those in favor of the amendment will respond by saying aye. Those opposed?

A DELEGATE: Division.

CHAIRMAN BENTLEY: Division is demanded. Is it supported? A sufficient number up. Those in favor of the amendment will vote aye. Those opposed, no.

SECRETARY CHASE: Has everyone voted? The machine is locked and the totals will be recorded. On the vote on the Mahinske-Donnelly amendment, the yeas are 40; the nays are 75.

CHAIRMAN BENTLEY: The amendment is not adopted. If there are no further amendments to section a, it will pass.

Section a is passed and the secretary will read.

SECRETARY CHASE: Section b:

[Section b was read by the secretary. For text, see above, page 847.]

CHAIRMAN BENTLEY: The gentleman from Adrian, Mr. Durst.

MR. DURST: Mr. Chairman, this also is a saving clause for matters other than laws. It embraces all the generic terms that are listed there. What the committee has done is to consolidate the concepts previously contained in the old sections 2, 3 and 4 of the previous schedule of 1908. We have added to the generic terms which were previously in section 2 the words "civil or criminal liabilities, contracts, claims, demands, titles and rights." And it was the opinion of the committee — and I believe this was a unanimous conclusion — that the section as presented adequately embraces all the specifics detailed in the old sections 3 and 4. I don't need to get into these if there is no question.

The last sentence on lines 19 and 20 says, ". . . shall continue unaffected except as modified in accordance with the provisions of this constitution." It is the opinion of the committee that all this does is allow changes of a procedural nature. The federal constitution under the due process clause and the contracts clause prevents any infringement upon substantive rights that are existing at the time the new constitution is adopted, but this would allow any changes that we may make of a procedural nature such as the court system or so forth to take effect as soon as the new constitution provides.

CHAIRMAN BENTLEY: The gentleman from Bay City, Mr. Higgs.

MR. HIGGS: Mr. Chairman and delegates, I have a proposed amendment on the secretary's desk which I would ask him to read.

CHAIRMAN BENTLEY: The secretary will read the amendment.

SECRETARY CHASE: Mr. Higgs offers the following amendment to section b:

1. Amend page 1, line 16, after "individuals,", by inserting "partnerships,".

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

MR. HIGGS: In reading the committee reasons and the proposal and in discussing this just before the session, it seems to me that this is a necessary inclusion. Certainly if we exclude it, we raise certain questions, inasmuch as today partnerships may hold title to real estate, and there may be certain rights derivative out of this relationship which are not, in my opinion, rights of individuals or rights of bodies corporate.

CHAIRMAN BENTLEY: The gentleman from Adrian.

MR. DURST: Mr. Chairman, members of the committee, I would point out that these words that we have put in here are the same as in the 1908 constitution, ". . . rights of individuals, bodies corporate, and of this state. . . ." I don't wish to engage in a legal argument with Mr. Higgs, but it would seem to me that under our law, a partnership does not exist as a separate person, as a corporation, so there are grounds for putting in bodies corporate as something separate. The rights of an individual and the rights of a partnership, as I see it — and I am sure as the committee saw it — are one and the same thing. I would oppose the amendment on that ground.

CHAIRMAN BENTLEY: The gentleman from Bay City.

MR. HIGGS: Mr. Chairman and fellow delegates, I do wish to engage in some argument at this point. Inasmuch as we have had a changing growth in the body of partnership law since 1908, the fact that it does not appear in the 1908 constitution doesn't impress me at this particular moment. I do not see any reason for excluding it. I haven't been able to do a great deal of research in this particular matter or study it thoroughly, but I do know that today — and I don't know whether it was true in 1908 — partnerships do have a status as a legal entity beyond that of individuals. Certainly when you file an income tax return, you are taxed as an individual. The partnership is not an entity for federal tax purposes, but under the law of the state of Michigan, a partnership is an entity that may hold legal title, and there are certain rights that are derivative by creditors through this relationship. The exclusion of one word, I think, might cause some trouble. I would like to hear from some of the other lawyers on this.

CHAIRMAN BENTLEY: Is there further discussion on the Higgs amendment? If not, the Chair will put the question. All those in favor will respond by saying aye. Those opposed?

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN BENTLEY: Division is called for. Is the demand supported? A sufficient number. Those in favor of the Higgs amendment will vote aye. Those opposed, no.

SECRETARY CHASE: Has everyone voted? The machine is locked and the totals will be recorded. On the amendment offered by Mr. Higgs, the yeas are 38; the nays are 60.

CHAIRMAN BENTLEY: The amendment is not adopted. If there are no further amendments to section b, it will be passed.

Section b is passed and the secretary will read.

SECRETARY CHASE: Section c:

[Section c was read by the secretary. For text, see above, page 847.]

CHAIRMAN BENTLEY: The gentleman from Adrian.

MR. DURST: Mr. Chairman, this again is a saving clause. It would continue in office all members presently serving in state governments until such time as their terms naturally expire or they are replaced by terms of this constitution. This would be people like civil service commissioners. All members of the present boards and commissions would continue to fill their terms and their offices.

Now, we have added and consolidated here the previous sections 5 and 7 of the schedule. In the opinion of the committee, the words "according to their respective commissions or appointments" which is the language used in the model code, would be sufficient to continue the concept of compensation which is presently included in the old section 7.

CHAIRMAN BENTLEY: Are there any amendments to section c? If not, it will be passed.

Section c is passed and the secretary will read.

SECRETARY CHASE: Section d:

[Section d was read by the secretary. For text, see above, page 847.]

CHAIRMAN BENTLEY: The gentleman from Adrian.

MR. DURST: We intend no substantive change here, Mr. Chairman. The deletion of the words "prepare and report" and the insertion of the word "recommend" is just thought to be perhaps more proper language. There was some thought that perhaps the words "prepare and report" would mean that the attorney general would be preparing statutes and the legislature would be obligated to consider them or something of that sort. The word "recommend" is more what we have in mind, I believe, and we ask him to report on these matters.

CHAIRMAN BENTLEY: Are there any amendments to section d? If not, it will pass.

Section d is passed.

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

Committee Proposal 44 is passed and the secretary will read.

SECRETARY CHASE: Item 11 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Exclusion Report 2019,** A report recommending the exclusion of sections 2, 3, 4, 5 and 7 of the schedule.

Following is Exclusion Report 2019 as read by the secretary, and the reasons submitted in support thereof:

The committee on miscellaneous provisions and schedule recommends that sections 2, 3, 4, 5 and 7 of the schedule of the present constitution be excluded from the new constitution.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Exclusion Report 2019:

The committee recommends that sections 2, 3, 4, 5 and 7 of the schedule be excluded because they are being consolidated into new language in Committee Proposal 44, sections b and c.

CHAIRMAN BENTLEY: Does the gentleman from Lansing wish recognition?

MR. ERICKSON: I have already yielded, for the next 2 reports, to Mr. Durst.

CHAIRMAN BENTLEY: Mr. Erickson yields to Mr. Durst.

MR. DURST: This exclusion report merely covers exclusion of the sections we have just passed. It excludes the old sections that we have replaced here.

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

Exclusion Report 2019 is passed and the secretary will read.

SECRETARY CHASE: Item 12 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Exclusion Report 2020,** A report recommending the exclusion of section 9 of the schedule.

Following is Exclusion Report 2020 as read by the secretary, and the reasons submitted in support thereof:

The committee on miscellaneous provisions and schedule recommends that section 9 of the schedule of the present constitution be excluded from the new constitution.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Exclusion Report 2020:

The committee recommends that section 9 of the schedule be excluded. This provision was included in the 1850 constitution to cover those parts of the state land areas which had not been formally organized into a county. Apparently there were still parts of the state undeveloped in this regard in 1908, so the provision was carried over into the 1908 constitution. Now, all the land area of the state is included within the boundary of an organized county, eliminating any necessity for the provision.

CHAIRMAN BENTLEY: The gentleman from Adrian.

MR. DURST: Mr. Chairman, do we need to vote on these exclusion reports or should they just pass?

CHAIRMAN BENTLEY: They are passed.

MR. DURST: Without a vote?

CHAIRMAN BENTLEY: Yes.

MR. DURST: I yield to Mr. Snyder on this exclusion report.

CHAIRMAN BENTLEY: The gentleman from St. Clair Shores, Mr. Snyder.

MR. SNYDER: Mr. Chairman, this is in reference to Exclusion Report 2020, and the committee report as reported out is in the journal at page 395. We had meetings with Mr. Apol and Mr. Robert Montgomery of the elections division, and it was the unanimous conclusion that this provision was included in the 1850 constitution to cover those parts of the state land areas which had not been formally organized into a county. Apparently at that time there were still parts of the state undeveloped in this regard in 1908 so the provision was carried over in the 1908 constitution. Now all the land area of the state is included within the boundary of the organized counties, eliminating the necessity for this provision. In view of that, the committee felt that it was no longer necessary in the constitution, and they recommended the exclusion of that portion.

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

Exclusion Report 2020 is passed and the secretary will read.

SECRETARY CHASE: Item 13 on the calendar, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 45,** A proposal to guarantee the right of disposition to the owner of real property. Amends article II by adding a new section.

[Committee Proposal 45 was read by the secretary. For text, see below, under date of April 10.]

is not the issue. I stated that, in my opinion, discrimination had been raised as an issue but it has been removed. Flexibility remains the issue. What is not the issue? What is not the issue is what type of classification would be a nifty idea. Nobody knows what type of classification at this point would be a good idea, and as far as I know, no one has suggested a scheme for classification. That is not the issue.

The issue is whether the legislature within the next 50 years should have the opportunity to investigate that question and determine the answer for itself. I would also like to point out that we have to make certain calculations and deductions and guesses as to the future, the next 50 years, in order to be certain that the majority proposal is correct. We have to assume that there never can be a proper scheme of classification. We have to be sure that we know all the different kinds of property that will exist within the next 50 years, and that none of them will require separate classification. How are we going to be sure what kinds of properties, even, to say nothing of what kind of classification schemes might exist?

I noted that several delegates pointed out that certain kinds of property already ought to be thought of in different terms than other kinds. It was pointed out by some people that real property is not exactly to be treated the same as personal property. It was also pointed out by another delegate that tangible personal property ought not to be necessarily treated the same as intangible personal property.

I suggest that there are reasons to suspect that there may be these kinds of possible distinctions between one kind of property and another, and there might even be other kinds of property that we know nothing about which could exist within the next 50 years. When in doubt, and when there is no history to show a reason why we should fear giving the legislature the power, I think we should give it.

I think further that what we are faced with now is not a logical reason for the majority proposal. I know of no reason that has been advanced in favor of it except discrimination, but that has been removed, in my opinion, as an issue. What reason is left over after that? It seems to me only one reason is left over, and that is just plain fear. I don't believe that we should glorify fear for fear's sake. If there is a reason for fear, we should be fearful, but if not, let's not raise fear to a constitutional principle. I support the minority report amendment.

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

MR. BRAKE: I move the committee rise.

CHAIRMAN BENTLEY: Before the Chair puts that motion, Mr. Brake, he would like to state that the following are on the list as having requested recognition: the gentleman from Hillsdale, Mr. Prettie; the gentleman from St. Clair Shores, Mr. Snyder; the gentleman from Detroit, Mr. Ostrow; the gentleman from Detroit, Mr. Ford; the gentleman from Ypsilanti, Mr. Lawrence; the gentleman from Ridgeway, Mr. Upton; the lady from Dearborn, Mrs. Cushman.

The motion is that the committee do now rise. All those in favor vote aye. Those opposed?

The motion prevails and the committee will rise.

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

PRESIDENT NISBEST: The Chair recognizes Mr. Bentley.

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

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 43,** A proposal pertaining to aliens and property rights; **Committee Proposal 44,** A proposal pertaining to the schedule; **Committee Proposal 49,** A proposal with reference to the borrowing of money by public corporations and bodies; and **Committee Proposal 50,** A proposal to require the legislature to provide sufficient taxes to meet the state's expenses covering the substance of section 2, article X of the 1908 constitution; reports these proposals back to the convention without amendment and with the recommendation that they do pass.

PRESIDENT NISBET: Without objection, **Committee Proposals 43, 44, 49 and 50** will be referred to the committee on style and drafting.

For Committee Proposal 43 as referred to the committee on style and drafting, see above, page 845.

For Committee Proposal 44, as later amended and referred to the committee on style and drafting, see below, page 866.

For Committee Proposal 49 as referred to the committee on style and drafting, see above, page 852.

For Committee Proposal 50 as referred to the committee on style and drafting, see above, page 853.

SECRETARY CHASE: The committee of the whole has also had under consideration **Exclusion Reports 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026;** and reports these exclusion reports back to the convention without amendment and with the recommendation that they be adopted.

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

Exclusion Reports 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 are adopted and referred to the committee on style and drafting.

For Exclusion Report 2016 as referred to the committee on style and drafting, see above, page 845.

For Exclusion Report 2017 as referred to the committee on style and drafting, see above, page 846.

For Exclusion Report 2018 as referred to the committee on style and drafting, see above, page 846.

For Exclusion Report 2019 as referred to the committee on style and drafting, see above, page 850.

For Exclusion Report 2020 as referred to the committee on style and drafting, see above, page 850.

For Exclusion Report 2021 as referred to the committee on style and drafting, see above, page 851.

For Exclusion Report 2022 as referred to the committee on style and drafting, see above, page 851.

For Exclusion Report 2023 as referred to the committee on style and drafting, see above, page 851.

For Exclusion Report 2024 as referred to the committee on style and drafting, see above, page 851.

For Exclusion Report 2025 as referred to the committee on style and drafting, see above, page 852.

For Exclusion Report 2026 as referred to the committee on style and drafting, see above, page 852.

Mr. Higgs.

MR. HIGGS: Mr. President, did we vote on Committee Proposal 44? It seemed to me that was referred to style and drafting without any vote in the convention. I have an amendment. I was seeking recognition at that time.

PRESIDENT NISBET: Without objection, we will return to the reference of **Committee Proposal 44** to committee and Mr. Higgs can offer his amendment.

MR. HIGGS: It is the same amendment which I made in the committee of the whole. I have another copy of it.

SECRETARY CHASE: This is a proposal from the committee on miscellaneous provisions and schedule, **Committee Proposal 44,** A proposal pertaining to the schedule.

Mr. Higgs offers the following amendment to the proposal:

1. Amend page 1, line 16, after "individuals,", by inserting "partnerships,".

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

PRESIDENT NISBET: The question is on the motion to recess until 2:00 o'clock. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I'd just like to remind the rules committee we have a meeting at 1:00 o'clock.

PRESIDENT NISBET: Mr. DeVries?

MR. DEVRIES: Mr. President, the committee on administration will meet at 1:30; not 1:15.

PRESIDENT NISBET: Thank you. The question is on the motion to recess until 2:00 o'clock. Those in favor say aye. Opposed, no.

The motion prevails and we are recessed until 2:00 o'clock.

[Whereupon, at 12:05 o'clock p.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. President, at the time we recessed, we were considering an amendment to Committee Proposal 44, which the secretary has at the desk. Would you like to read that?

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Mr. Higgs has offered:

[The amendment was again read by the secretary. For text, see above, page 863.]

PRESIDENT NISBET: Mr. Higgs.

MR. HIGGS: Well, Mr. President and fellow delegates, I think at the time we voted on this this morning, there were only 115 delegates present, and I would like to offer this amendment again at this time because I feel that it does go to substance and that it is quite important. And the premise upon which it is based is that the rights of individuals and corporations does not necessarily include the rights that may be involved in a partnership under the uniform partnership act. As you may or may not know, title to real estate acquired in the partnership name must be conveyed in the partnership name. There are also provisions in the uniform partnership act which provide for the assignment of assets of the partnership for benefit of creditors.

Now, if you can envisage the situation where an assignee may be in the position of suing for rents or profits in the use of real estate, he would have to do that in a derivative action. In other words, the action would be in the name of the partnership because it is a legal entity for certain purposes under the Michigan law. And without belaboring that point, I would like to have it considered further.

PRESIDENT NISBET: The question is on the amendment of Mr. Higgs. All those in favor of the amendment please say aye. Opposed, no.

The amendment is adopted.

A DELEGATE: Division.

PRESIDENT NISBET: Division has been asked for. Is the demand supported? Those in favor rise. A sufficient number up. Mr. Chase will read the amendment.

SECRETARY CHASE: Mr. Higgs has offered the following:

[The amendment was again read by the secretary. For text, see above, page 863.]

The language will then read:

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 shall continue unaffected except as modified in accordance with the provisions of this constitution.

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

SECRETARY CHASE: Has everyone voted? The machine is locked and the totals will be recorded. On the adoption of the amendment proposed by Mr. Higgs, the yeas are 88; the nays are 26.

PRESIDENT NISBET: The amendment is adopted.

SECRETARY CHASE: Mr. Mahinske and Miss Donnelly offer the following amendment to Committee Proposal 44:

1. Amend page 1, line 8, after "Sec. a.", by reinserting "The common law and the statute laws now in force,"; and in line 9 by striking out "All laws"; so that the language will read:

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 altered or repealed.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: Mr. President, one of the reasons why I reinstated this amendment at this time was for the basic reason we reinstated the other; that there were some 25 or 30 people who did not cast a vote in committee of the whole on this. And based on the argument by which the committee proposal is substantiated, by inserting the new words that are inserted here, the committee report says that they are in no way intending to change what we had in the old constitution. Now, if this is the basis of the reinsertion of the new words, and they do not intend to change anything, then I say we should say exactly what we mean, and if we mean the common law, we should spell it out.

PRESIDENT NISBET: Mr. Durst.

MR. DURST: Mr. President, I would just remind the delegates that the committee recommends that this amendment not be adopted. I would also point out that we presented to you this morning the opinions of our research staff and of Professor Kauper of the University of Michigan law school that the amendment or the section as submitted to the convention was the proper way to do so.

We were attempting to correct a legal problem that has existed in this state for some time which has been taken care of by court interpretation, but we are making the constitution conform to the way the court has interpreted it to mean. We ask that the amendment be defeated.

PRESIDENT NISBET: Mr. Boothby.

MR. BOOTHBY: Mr. President, first I would like to have the amendment reread. Then I would like to comment on it, please.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: The amendment is:

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

PRESIDENT NISBET: Mr. Boothby.

MR. BOOTHBY: Mr. President and members of the convention, I rise to support the Mahinske-Donnelly amendment. I would like to make a few comments in that regard. When words are used in statutes or in constitutions, the courts make certain interpretations of these words and they then receive a certain specific meaning, because the courts have stated that they mean certain things. When phrases are used by certain legislative bodies or by constitutional bodies, when they are interpreted by the courts, they receive a certain specific meaning. And the same with regard to constitutional provisions: when they have been interpreted by the courts, they receive certain specific meanings.

Now, the present committee report, which would delete the reference to the common law, was what was in the 1835 constitution, but the 1850 and the 1908 constitutions added the words which the Donnelly-Mahinske amendment seeks to put back in, the reference to the common law.

Now, the reason why I am concerned is because the courts have adopted a certain rule of construction of statutory and constitutional language, and this rule of construction is, if a legislature has reincorporated certain words or if a constitu-

tional convention body has reincorporated certain words that were there prior thereto, and if these words had been reviewed by the courts and had been given certain specific meanings, when they reincorporate these words, it is indicated that they mean to reincorporate not only the words but also the meanings which the courts have given to them. Now, whenever you change the language which has been interpreted by the courts, then there is also a suspicion raised as to what the intent of the legislative or constitutional body is. I do not feel that we wish to raise any suspicion. This has been a part of our constitutional provisions since 1850. Incidentally, even the northwest ordinance made some reference to the common law and indicated that the people of Michigan would operate under the common law.

And for those people that are not lawyers, I would like to make this comment: the common law is a very important part of our law of the state. Many of our criminal provisions are not statutory law but common law, and many of our procedures are common law procedures and not statutory procedures.

If we make any deviation from this, it will seriously hamper the progress of criminal prosecution, I am quite sure, and many other phases of law. I hope that you will give detailed and considered consideration to this particular amendment and not dismiss this very lightly, because I feel that we may get into more litigation than we would like by adopting the committee report. I would like to ask some of the former members of the bench for their opinion, and I would like to call upon Judge Dehnke and ask his opinion.

PRESIDENT NISBET: Judge Dehnke.

MR. DEHNKE: Well, Mr. President and delegates, I have to remind you once again as I have before that curbstone opinions are usually worth about what they cost. But on this proposition, as far as my opinion goes, I agree with Mr. Boothby.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President, I would like to direct a question to Mr. Boothby or Judge Dehnke. As I read this language, forgetting for a moment the words "statute laws now in force," it says that "The common law . . . not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed." I don't know how a common law expires by its own limitation, and I don't know how it can be altered or repealed except by judicial interpretation.

Is it the intent of the sponsors of this amendment that the judicial shall not be entitled to interpret the common law so that we have a living common law, which is what I think we have now and what I think we ought to have in the future?

PRESIDENT NISBET: Judge Dehnke.

MR. DEHNKE: I think the conclusion is obvious. The legislature can change any rule of the common law whenever it reaches the conclusion that the rule ought to be changed.

MR. KING: I am aware of that, Judge. How about the Supreme Court of the state of Michigan?

MR. DEHNKE: Well, I think there are some limitations on that.

MR. KING: I oppose these implied limitations.

MR. DEHNKE: The law is, of course, a living organism. It must grow. I can conceive of individual situations in which the court, by reason of the complete change of circumstances and a completely different fact situation, might be justified in holding that the old common law rule ought not to be considered in force in this state any longer. But the other extreme is to use the method of an amendment by judicial decree to an extreme that I personally cannot justify.

MR. KING: I apologize for the personal exchange. I am aware that some people think that this is the way it ought to be. I just hope that by this brief exchange, the issue here has been perhaps somewhat clarified, because I think some people may not be aware of the complete implications of what they are trying to do by this amendment.

PRESIDENT NISBET: Mr. Iverson.

MR. IVERSON: Mr. President, I rise to support this amendment. I dislike to vote against the committee recommendation on this but, as I understood Mr. Durst, the only reason actually given for the change of this language was that research had come up with fewer words which they said meant the same thing. I don't think we had better take any chance on this, and I would judge that the committee is not too seriously opposed to the original language.

PRESIDENT NISBET: Mr. Durst.

MR. DURST: The reason, Mr. Iverson and Mr. President, is not for fewer words. All that have been eliminated are 2 or 3. It is to make this section conform to the way the supreme court of this state has interpreted this section to mean.

Now, if we put the same language back, they may continue with the same interpretation, but we raised here this morning that if we reinsert it the same way, it can be logically argued that we do not wish to adopt the interpretation which the supreme court has placed upon this language which does allow this common law to be a living law and to change as needs of the times require.

I think Judge Dehnke has adequately stated the issue. There are some people, lawyers and otherwise, who do not believe the supreme court should have the right to change the common law; this should be done by statute. This is an honest belief on their part. We have operated in this state under a common law that does change by judicial interpretation as the needs of the state require. This is what the committee thinks is a proper interpretation, and we have changed the language to conform to this interpretation.

PRESIDENT NISBET: Mr. Nord.

MR. NORD: Mr. President, I rise to support the committee proposal and to oppose the amendment for several reasons: it has been pointed out that the court decisions have settled the question and therefore there is no question. Therefore, it is better to leave the language alone. Normally I would think so, but in this case it seems to me that the language itself is ambiguous. The language we have at the present time, which we are trying to get rid of, is ambiguous. It has caused trouble in the past, and I suggest that if we readopted the same language, somebody will think that we mean exactly what we say and not what the supreme court has said before that we mean. We ought to say what we mean and not what somebody else has construed us to mean.

I call to your attention it is not unknown that supreme courts can change their decisions too. They may say it means a certain thing today; tomorrow they may say it means the opposite. We shouldn't give them the opportunity to do so. We should say what we mean, and what we mean is what is embodied in the committee proposal.

This question has been analyzed by the committee. They made a decision. It was analyzed by eminent professors. They made a decision. It was analyzed by the committee of the whole this morning. We made a decision. Now, I wonder if we are going to rehash the entire question over and over again. It seems to me that once the committee of the whole has made a decision, there is no need to rehash the entire subject matter. I understood the reason for raising the amendment here was that there was some question about whether there had been a large degree of support or a small degree of support. That can be determined by voting. There is no need to introduce new ideas, new arguments.

I think that the convention should sustain the committee of the whole and it should sustain the people who have analyzed this. We won't be sure that we are right if we change our opinion between this morning and this afternoon.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen, I suppose one of the reasons they call me a conservative is that I don't like to change just for the fun of it. I like changes that mean improvement. I can't see any improvement that can come from this change of language proposed by the committee. What the supreme court has said, from the reading of the clause in the past, to me is entirely satisfactory, and I would like to have it left that way.

PRESIDENT NISBET: Mr. Faxon.

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

PRESIDENT NISBET: The question is on ordering the

previous question. A division has been demanded. Is the demand supported? A sufficient number up.

The question now is: shall the previous question now be put? Those in favor say aye. Opposed, no.

The motion prevails. The question is now on the amendment. Those in favor will vote —

MR. BOOTHBY: Mr. President, I call for a record roll call vote.

PRESIDENT NISBET: A record roll call vote has been demanded. Is there a sufficient number up for that? A sufficient number up.

Now the question is on the amendment. Mr. Chase will read the amendment.

SECRETARY CHASE: Pending is the amendment:

[The amendment was again read by the secretary. For text, see above, page 864.]

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

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

The roll was called and the delegates voted as follows:

Yeas—63

Anspach	Higgs	Richards, L. W.
Austin	Howes	Rood
Baginski	Hubbs	Rush
Blandford	Hutchinson	Shaffer
Bledsoe	Iverson	Shanahan
Bonisteel	Leibrand	Sharpe
Boothby	Liberato	Sleder
Brake	Lundgren	Spitler
Butler, Mrs.	Madar	Stafseth
Conklin, Mrs.	Mahinske	Sterrett
Cudlip	McAllister	Stevens
Dehnke	McCauley	Thomson
Donnelly, Miss	McLogan	Tubbs
Doty, Dean	Ostrow	Turner
Faxon	Pellow	Tweedie
Finch	Perlich	Upton
Garvin	Powell	Van Dusen
Gover	Prettie	Wanger
Greene	Pugsley	White
Gust	Radka	Wood
Heideman	Richards, J. B.	Yeager

Nays—67

Andrus, Miss	Follo	Millard
Batchelor	Gadola	Mosier
Beaman	Goebel	Murphy
Bentley	Hanna, W. F.	Nord
Binkowski	Hannah, J. A.	Page
Brown, G. E.	Hart, Miss	Perras
Brown, T. S.	Haskill	Plank
Buback	Hatch	Pollock
Cushman, Mrs.	Hodges	Rajkovich
Dade	Hood	Sablich
Danhof	Judd, Mrs.	Seyferth
Davis	Kelsey	Shackleton
DeVries	King	Snyder
Doty, Donald	Kirk, S.	Staiger
Douglas	Knirk, B.	Stamm
Downs	Koeze, Mrs.	Stopczynski
Durst	Krolikowski	Suzore
Elliott, A. G.	Kuhn	Walker
Elliott, Mrs. Daisy	Leppien	Wilkowski
Erickson	Lesinski	Woolfenden
Everett	Martin	Young
Farnsworth	McGowan, Miss	Youngblood
Figy		

On the amendment, the yeas are 63; the nays are 67.

PRESIDENT NISBET: The amendment is not adopted.

Committee Proposal 44, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 44 as amended and referred to the committee on style and drafting:

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

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that:

Sec. a. All laws not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed.

Sec. b. 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 shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. c. All officers filling any office by election or appointment shall continue to exercise 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.

Sec. d. The attorney general of the state shall recommend to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

Mr. Chase will read.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 51**, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: It has been suggested that during the afternoon session, at approximately 3:20 or 3:30, in order to have a little relaxation and rest, the chairman of the committee of the whole will suggest that the committee stand at ease for 5 or 10 minutes. That will be his prerogative.

Mr. Bentley.

MR. BENTLEY: Mr. President, I move that 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. Bentley. Those in favor say aye. Opposed, no.

The motion prevails. Mr. Bentley.

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

CHAIRMAN BENTLEY: The committee will be in order. The pending business before the committee is **Committee Proposal 51**, the minority report c amendment of Mr. Austin and others to the committee proposal.

For minority report c, see above, page 856.

The Chair has several individuals who have been seeking recognition, but there has been a request from the sponsor of the pending amendment to clarify 1 or 2 items and, without objection, the gentleman from Detroit, Mr. Austin, will be recognized out of order at this time.

MR. AUSTIN: Thank you. Mr. Chairman, ladies and gentlemen of the committee, I would like you to refer to Journal 73, page 523, and Journal 69, page 404. The minority report is on page 523, and the minority proposal is that "The legislature may by law authorize or impose ad valorem and other taxes which shall be uniform within the classes of persons or property to which they are applied." A question has been raised by the inclusion of the language "and other taxes" at this point in the committee's proposal, and if you will refer back to page 404, the first sentence of the committee's proposal

has been ordered. Those who are in favor of reconsideration will vote aye. Those who are opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to reconsider, the yeas are 50; the nays are 59.

CHAIRMAN MILLARD: The motion does not prevail. Are there any further amendments to section a?

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

CHAIRMAN MILLARD: Is there any further amendment to the body of Committee Proposal 76? If not, it will pass.

Committee Proposal 76, as amended, is passed. The secretary will read.

SECRETARY CHASE: Item 11 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Contains new language and amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

Following is Committee Proposal 71 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. [There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, an auditor general and an attorney general, for the term of 2 years.]

THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE ELECTED AT THE GENERAL BIENNIAL ELECTION IN 1964 AND IN EACH ALTERNATE EVEN NUMBERED YEAR BEGINNING IN 1966. THEY SHALL, AFTER 1966, SERVE FOR TERMS OF 4 YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION.

THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY CONVENTION IN A MANNER PROVIDED BY LAW. IN THE GENERAL ELECTION THE VOTES CAST FOR A CANDIDATE FOR GOVERNOR SHALL BE CONSIDERED AS CAST ALSO FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH HIM. THE CANDIDATE WHOSE NAME APPEARS ON THE BALLOT JOINTLY WITH THAT OF THE SUCCESSFUL CANDIDATE FOR GOVERNOR SHALL BE ELECTED LIEUTENANT GOVERNOR.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote EXCEPT IN CASE OF EQUAL DIVISION. HE SHALL PERFORM SUCH ADDITIONAL DUTIES AS MAY BE DELEGATED TO HIM BY THE GOVERNOR.

ALL EXECUTIVE AND ADMINISTRATIVE OFFICES, AGENCIES AND INSTRUMENTALITIES OF THE STATE GOVERNMENT AND THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES, EXCEPT FOR THE OFFICES 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, SO AS TO GROUP THEM AS FAR AS PRACTICABLE ACCORDING TO MAJOR PURPOSES. TEMPORARY COMMISSIONS OR AGENCIES FOR SPECIAL PURPOSES AND WITH A LIFE OF NO MORE THAN 2 YEARS MAY BE ESTABLISHED BY LAW AND NEED NOT BE ALLOCATED WITHIN A PRINCIPAL DEPARTMENT.

THE ALLOCATION OF DEPARTMENTS BY LAW PURSUANT TO THIS SECTION SHALL BE COMPLETED WITHIN 2 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 SUCH ALLOCATION.

SUBSEQUENT TO SUCH 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. THE LEGISLATURE SHALL HAVE 60 DAYS OF A REGULAR SESSION, OR A FULL SESSION IF OF SHORTER DURATION, TO DISAPPROVE THESE EXECUTIVE ORDERS. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS ELECT OF EACH HOUSE, THESE ORDERS SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR.

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. AT THE CONCLUSION OF THE TERM OF OFFICE OF ALL STATE OFFICERS ELECTED UNDER THE CONSTITUTION OF 1908, AS AMENDED, WHEN A SINGLE EXECUTIVE IS THE HEAD OF A PRINCIPAL DEPARTMENT, HE SHALL BE NOMINATED AND, 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 SHALL BE NOMINATED AND, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, APPOINTED BY THE GOVERNOR. THE TERM OF OFFICE AND REMOVAL OF SUCH MEMBERS SHALL BE AS PRESCRIBED IN THIS CONSTITUTION OR BY LAW. WHEN A CHIEF EXECUTIVE OFFICER OF A BOARD OR COMMISSION HEADING A PRINCIPAL DEPARTMENT IS APPOINTED BY SUCH BOARD OR COMMISSION AS PRESCRIBED BY LAW, HIS APPOINTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE GOVERNOR EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

Sec. c. [They shall keep their offices at the seat of government, superintend them in person and perform such duties as may be prescribed by law. The office of commissioner of the state land office may be abolished by law.] 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 SUCH DUTIES AS MAY BE PRESCRIBED BY LAW.

Sec. d. EACH PRINCIPAL DEPARTMENT SHALL BE UNDER THE SUPERVISION OF THE GOVERNOR. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers,

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

elective and appointive, upon any subject relating to the duties of their respective offices.

THE GOVERNOR MAY, BY APPROPRIATE COURT ACTION OR PROCEEDING BROUGHT IN THE NAME OF THE STATE, ENFORCE COMPLIANCE WITH ANY CONSTITUTIONAL OR LEGISLATIVE MANDATE, OR 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 ANY ACTION OR PROCEEDING AGAINST THE LEGISLATURE.

Sec. e. [Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.]

WHEN THE SENATE IS NOT IN SESSION AND A VACANCY OCCURS IN ANY OFFICE, APPOINTMENT TO WHICH REQUIRES ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL FILL THE SAME BY APPOINTMENT. SUCH AN INTERIM APPOINTMENT MAY BE DISAPPROVED BY THE SENATE AS WITH OTHER APPOINTMENTS REQUIRING SUCH ADVICE AND CONSENT. A PERSON SO APPOINTED SHALL NOT BE ELIGIBLE FOR ANOTHER INTERIM APPOINTMENT TO SUCH OFFICE IF THE APPOINTMENT SHALL HAVE BEEN DISAPPROVED BY THE SENATE.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer UNDER IMPEACHMENT, until he shall be acquitted or until after the election and qualification of a successor.

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

APPOINTMENT BY AND WITH THE ADVICE AND CONSENT OF THE SENATE WHEN USED IN THIS CONSTITUTION OR IN STATUTES IN EFFECT OR HEREAFTER ENACTED SHALL MEAN APPOINTMENT SUBJECT TO DISAPPROVAL BY A MAJORITY VOTE OF THE MEMBERS ELECT OF THE SENATE IF SUCH ACTION IS TAKEN WITHIN 60 LEGISLATIVE DAYS AFTER THE DATE OF SUCH APPOINTMENT.

Mr. Martin, chairman of the committee on executive branch, submits the following reasons in support of Committee Proposal 71:

This proposal contains the major recommendations of the committee on executive branch for strengthening and improving the constitutional provisions for the executive branch in Michigan state government. The members of the committee are agreed that significant modifications are needed in the executive article of the constitution. Most of the recommendations in this proposal have the unanimous support of members of the committee.

The committee is unanimous in recommending a 4 year term for governor and lieutenant governor, with the election in even numbered nonpresidential election years. The governor now serves a 4 year term in 35 states. Several states have shifted to a 4 year term in recent years, and all of the states with recently framed or revised constitutions are in this group. In 25 of these states, the governor is not elected at the time of the presidential election. The committee believes that this arrangement as to length of term and time of election is the best combination.

The committee also unanimously approved the nomination of the lieutenant governor by party convention and his running with the governor as part of a team, with votes for the governor to be also cast for the lieutenant governor in the same manner as with the president and vice president of the United States. The committee also favors retaining the lieutenant governor as presiding officer of the senate, and it proposes that he be given a vote to break a tie. Additional duties can be delegated to him by the governor, but are not constitutionally assigned.

The committee considered carefully and extensively the question of election versus appointment of other state officers who are now elected. The recommendation of the committee, based on the majority view of its members, is that executive branch officials other than the governor and lieutenant governor should be appointed rather than elected.

The committee's action is based upon the feeling that the election of these officials does not bring government closer to the people, but on the contrary, divides authority in state government among numerous officials who have no real allegiance or responsibility to the governor and who are necessarily concerned in a major degree with furthering their own political ambitions. The majority on the committee felt that this continuing struggle for power at the top of the state government does not serve the people well and that since the people hold the governor responsible for what happens in state government, he should be permitted to appoint his principal officers subject to review by the senate. In this way the governor is made fully accountable for the actions of the executive branch of government for which the people hold him responsible.

The committee proposal assumes that the committee on legislative powers will submit with the committee on executive branch a joint committee proposal establishing the post of legislative auditor to replace the auditor general, and that the committee on education will recommend that the superintendent of public instruction be made an appointive rather than elective official. The majority of the committee on executive branch supports both of these suggestions.

The proposal suggests new language concerning the allocation of departments, procedure for administrative reorganization, the appointment and removal of department heads, and the supervision of departments by the governor. It incorporates language from sections 1 and 3 of article VI concerning duties of state officers, and the powers of the governor to take care that the laws be faithfully executed and to require information from state officers. It adds a new provision expressly authorizing the governor to resort to the courts in enforcing constitutional or legislative mandates. The proposal also recommends language which would replace section 10 of article VI on vacancies in state office, and sections 5 and 7 of article IX on provisional appointments and on removal and suspension of state officers by the governor.

The objective of the recommendation to place a limit of 20 on the number of principal departments is to reduce the number of agencies under the direct supervision of the governor to manageable proportions, and to bring about a more effective grouping of departments according to major purposes. Eight states now have comparable provisions in their constitutions. The usual constitutional maximum on the number of departments is 20. States with such a limitation include New York, New Jersey, Massachusetts, Hawaii and Alaska. The model state constitution also recommends such a restriction.

The committee proposal excepts from the limitation the offices of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in the constitution. It also authorizes the creation of temporary commissions or agencies for special purpose

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with a life of not more than 2 years. The committee has unanimously approved the recommendation, and it believes that inclusion in the new constitution of a constitutional maximum on the number of departments as proposed will bring about a much needed administrative reorganization, while providing sufficient flexibility for adjustments to meet future needs. The committee has been impressed by testimony given to it that states of comparable size, such as New York, New Jersey and Missouri, have found such limitations feasible and desirable. Adoption of this provision would retain in the hands of the legislature and the governor considerable discretion as to internal organization within the principal departments. For example, it would not prohibit the creation, for purposes of professional regulation, of professional or quasi professional licensing boards, made up in whole or in part of members of the profession, in a department of professional standards or of licensing such as now exist in several states. Under the proposal, a 2 year period would be provided for statutory allocation of departments. If not done during that time, the governor would have one year in which to make the allocation by executive order.

Another recommendation in the proposal gives constitutional status to the approach to administrative reorganization contained in Michigan public act 125 of 1958. This gives initiative in administrative reorganization to the governor with opportunity for rejection by the legislature of the governor's plans for reorganization. Alaska has included such a provision in its constitution. Several other states have granted such reorganization authority to the governor by statute. This device has been used successfully by the federal government over a period of many years. The committee believes that this procedure offers the best prospect of continuous reappraisal and adjustment of the state's administrative structure, following the initial reallocation of departments.

In choosing among several possible alternatives as to the requirement for legislative rejection of a reorganization plan, the committee favored a provision for rejection by a majority of the members elect of both houses of the legislature. The Michigan statute requires a majority of the members elect in either house to reject. The recommendation of the committee makes legislative disapproval of a proposal for reorganization somewhat more difficult than it now is under the statute, reflecting the view of a sizeable majority of committee members that reorganization plans submitted by the governor should become effective unless both houses of the legislature find them unacceptable and each house registers its disapproval. The governor is in the best position to have knowledge of the structural problems and needs that exist in the executive branch. His recommendations for administrative adjustments should be given considerable weight.

The proposal provides that the head of each principal department shall be a single executive unless otherwise provided by the constitution or by statute. Three officials are given constitutional status as single executives appointed as heads of principal executive departments. These are the secretary of state, the state treasurer and the attorney general.

The legislature would have the choice under the proposed language of providing that principal departments be headed either by a single executive who is appointed or by an appointed board or commission. It would not be possible to provide by statute for an elected department head, as is now the case with the state highway commissioner.

The proposal retains a requirement for senate review of gubernatorial appointments, both for single executives who are department heads and for members of boards or commissions. The committee has accepted the procedure suggested in Delegate Proposal 1716 concerning the nature of senatorial review. Such an appointment would be subject to disapproval by a majority vote of the members elect of the senate, provided the senate acts to disapprove within 60 legislative days after the appointment is submitted to it. If fewer than 60 legislative days remain for consideration after a submission of an appointment, the time available for possible disapproval would be extended into the next regular or special session for the balance of the specified period of 60 legislative or working days. The committee recommends this procedure as providing ample opportunity for the senate to render a negative judgment on gubernatorial appointees. At the same time, it permits the appointment to become effective unless the senate is willing to go on record as rejecting the appointee, and prevents withholding of confirmation simply by failure to act on an appointment.

In setting forth tenure and removal provisions, the proposal distinguishes between departments with single heads appointed by the governor and those headed by boards or commissions. A single executive appointed as the head of a department is to serve at the pleasure of the governor, but terms of office and conditions for removal of board and commission members may be set by law or specified in the constitution itself, as in the case of the civil service commission. When a board or commission at the head of a principal department appoints a chief executive officer as prescribed by law, the appointment must be approved by the governor except as provided elsewhere in this constitution. This recognizes the fact that such an official carries important policymaking responsibilities.

Language has been adapted from section 1 of article VI concerning the obligation of executive officials to superintend their offices in person, and perform duties as prescribed by law.

A provision, similar to that in several other recent state constitutions, states that each principal department shall be under the supervision of the governor. The proposal retains the wording of article VI, section 3, which provides that the governor shall take care that the laws be faithfully executed, and authorizes him to require information in writing from state officers. It adds a provision expressly authorizing the governor to resort to the courts to enforce compliance with any constitutional or legislative mandate, with the proviso that this authority shall not be construed to authorize any action or proceeding against the legislature. This provision is patterned after the Alaska constitution. The Hawaii constitution and the model state constitution contain similar provisions.

The recommendation concerning interim appointments is intended to clarify the power of the governor to make such appointments, and to specify that such an appointment will continue in effect unless disapproved by the senate within 60 legislative days after the beginning of its next session. In the event of disapproval, the same person is not eligible for another interim appointment to the same office.

The section concerning provisional appointments to fill vacancies caused by suspension of officers under impeachment has been transferred from article IX, where it appears as section 5.

The committee recommends retention, with one important change, of the language now in section 7 of article IX concerning the general removal power of the governor, and transfer of this provision to the executive article. The change is that the phrase in the present constitution withholding this power on the part of the governor when the legislature is not in session, has been deleted. This authorization was originally intended as a substitute for the impeachment process during times when the legislature is not in session. The committee has accepted the suggestion in Delegate Proposal 1102 that this authority should be placed in the hands of the governor at all times and should be considered supplemental to the impeachment process rather than a substitute for it. In addition, the proposal gives the governor power to suspend as well as to remove officials for the reasons set forth in the provision. These modifications have required a slight change in the wording

of the last sentence in this section, concerning the governor's duty of reporting to the legislature as to the causes of removal or suspension.

The committee proposal requires that the governor and lieutenant governor be elected in 1964 for a 2 year term and that the first 4 year term will begin after the election in 1966. State officers who are elected under the Constitution of 1908 will fill out the term for which they are elected and will thereafter be subject to appointment by the governor then holding office, with the advice and consent of the senate.

The committee on executive branch urges favorable action on these related provisions, in the expectation that their adoption will greatly strengthen the executive branch and the administrative structure of Michigan state government, while retaining proper and important controls to be exercised by the legislature.

Following is minority report A to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Bentley, Hatch, Durst, Shackleton, King, Karn and Gust, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

A minority of the committee recommends that the following be included in the constitution:

(Immediately following paragraph one ". . . next succeeding their election.")

NO PERSON WHO HAS BEEN ELECTED GOVERNOR FOR 2 FULL SUCCESSIVE TERMS SHALL BE AGAIN ELIGIBLE TO HOLD THAT OFFICE UNTIL ONE FULL TERM HAS INTERVENED.

Messrs. Bentley, Hatch, Durst, Shackleton, King, Karn and Gust, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 71:

The minority strongly believe that the constitution should set a limit of 2 full successive terms for the governor. In justifying this departure from the present constitution, the undersigned believe that some restriction is justified in view of the fact that the term of office is to be lengthened from 2 to 4 years. Our proposed limitation would permit a governor who has served 2 terms to be elected again after a full term has intervened.

Following is minority report B to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Bentley, Hatch, Shackleton, King, Karn, Shaffer and Dean Doty, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

A minority of the committee recommends that the following be included in the constitution:

(Page 3, line 5)

IN EITHER HOUSE BY A RESOLUTION CONCURRED IN BY A MAJORITY

(To replace, in the committee proposal)

IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY

Messrs. Bentley, Hatch, Shackleton, King, Karn, Shaffer and Dean Doty, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 71:

The minority believe that legislative rejection of a reorganization plan should be permitted by a majority of the members elect in either house. This is in accordance with the present statute, Michigan public act 125 of 1958. Our proposal would still permit administrative reorganization with the governor retaining this initiative and ample opportunity for legislative rejection. But we feel strongly that in view of the fact that this represents a considerable precedent in the constitution (only adopted by one state until now) legislative disapproval of a proposal for reorganization should not be more difficult than it now is under the statute, as under the committee proposal.

Following is minority report C to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, Miss Hart and Mrs. Daisy Elliott, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

A minority of the committee recommends that the following be included in the constitution:

Sec. a. THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, AUDITOR GENERAL, ATTORNEY GENERAL, HIGHWAY COMMISSIONER, AND SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BE ELECTED AT THE GENERAL BIENNIAL ELECTION IN 1964 AND IN EACH ALTERNATE EVEN NUMBERED YEAR BEGINNING IN 1966. THEY SHALL, AFTER 1966, SERVE FOR TERMS OF 4 YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION.

THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY CONVENTION IN A MANNER PROVIDED BY LAW. IN THE GENERAL ELECTION THE VOTES CAST FOR A CANDIDATE FOR GOVERNOR SHALL BE CONSIDERED AS CAST ALSO FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH HIM. THE CANDIDATE WHOSE NAME APPEARS ON THE BALLOT JOINTLY WITH THAT OF THE SUCCESSFUL CANDIDATE FOR GOVERNOR SHALL BE ELECTED LIEUTENANT GOVERNOR.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote EXCEPT IN CASE OF EQUAL DIVISION. HE SHALL PERFORM SUCH ADDITIONAL DUTIES AS MAY BE DELEGATED TO HIM BY THE GOVERNOR.

ALL EXECUTIVE AND ADMINISTRATIVE OFFICES, AGENCIES AND INSTRUMENTALITIES OF THE STATE GOVERNMENT AND THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES, EXCEPT AS OTHERWISE PROVIDED BY THIS CONSTITUTION, INCLUDING 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, SO AS TO GROUP THEM AS FAR AS PRACTICABLE ACCORDING TO MAJOR PURPOSES. TEMPORARY COMMISSIONS OR AGENCIES FOR SPECIAL PURPOSES AND WITH A LIFE OF NO MORE THAN 2 YEARS MAY BE ESTABLISHED BY LAW AND NEED NOT BE ALLOCATED WITHIN A PRINCIPAL DEPARTMENT.

THE ALLOCATION OF DEPARTMENTS BY LAW PURSUANT TO THIS SECTION SHALL BE COMPLETED WITHIN 2 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 SUCH ALLOCATION.

SUBSEQUENT TO SUCH 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

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REQUIRE THE FORCE OF LAW, THEY SHALL BE SET FORTH IN EXECUTIVE ORDERS. THE LEGISLATURE SHALL HAVE 60 DAYS OF A REGULAR SESSION, OR A FULL SESSION IF OF SHORTER DURATION, TO DISAPPROVE THESE EXECUTIVE ORDERS. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A 2/3 MAJORITY OF THE MEMBERS ELECT OF EACH HOUSE, THESE ORDERS SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR.

THE HEAD OF EACH PRINCIPAL DEPARTMENT SHALL BE A SINGLE EXECUTIVE UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION OR BY LAW.

WHEN A BOARD OR COMMISSION IS AT THE HEAD OF A PRINCIPAL DEPARTMENT, THE MEMBERS THEREOF SHALL BE APPOINTED BY THE GOVERNOR. THE TERM OF OFFICE AND THE REMOVAL OF SUCH MEMBERS SHALL BE AS PRESCRIBED IN THIS CONSTITUTION OR BY LAW. WHEN A CHIEF EXECUTIVE OFFICER OF A BOARD OR COMMISSION HEADING A PRINCIPAL DEPARTMENT IS APPOINTED BY SUCH BOARD OR COMMISSION AS PRESCRIBED BY LAW, HIS APPOINTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE GOVERNOR EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

Sec. c. 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 SUCH DUTIES AS MAY BE PRESCRIBED BY LAW.

Sec. d. EACH PRINCIPAL DEPARTMENT SHALL BE UNDER THE SUPERVISION OF THE GOVERNOR, UNLESS OTHERWISE PROVIDED BY THE CONSTITUTION. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

THE GOVERNOR MAY, BY APPROPRIATE COURT ACTION OR PROCEEDING BROUGHT IN THE NAME OF THE STATE, ENFORCE COMPLIANCE WITH ANY CONSTITUTIONAL OR LEGISLATIVE MANDATE, OR 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 ANY ACTION OR PROCEEDING AGAINST THE LEGISLATURE.

Sec. e. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

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

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

Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, Miss Hart and Mrs. Daisy Elliott, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 71:

We believe strongly in the popular election of members of the administrative board. These include the lieutenant governor, secretary of state, highway commissioner, attorney general, state treasurer, auditor general and superintendent of public instruction.

We can point to the historical success of this system. We can point out that it provides for responsible citizen participation in government, and contains safeguards against gubernatorial abuse of the appointive powers.

But few things exist independent of other factors. If the house and senate were apportioned on an equitable population basis—a vote for each person—then there would, of course, be guarantees that the governor would get the sort of administrative board he needed to implement his policies. With the present terminology of advice and consent, we have to refer to that old army saying, "when in doubt—don't." A house and senate antagonistic to the governor can readily block his appointments. We have a formidable list of precedents of such gubernatorial rebuke during the Williams and Swainson administrations as you all well know.

There is no evidence that the public wants this provision for election of their state officials to be changed. Certainly the events which brought the constitutional convention into being—the unjust apportionment of the legislature, the financial crisis, the new problems of metropolitan areas in the face of an immense population explosion—are not related to the election or appointment of state officials.

Therefore, we strongly advocate first, election of a secretary of state by the people. Inasmuch as he bears much responsibility for assuring honesty in elections, we want him to be independently and directly answerable to the people.

We favor election of the highway commissioner, a device which has assured the state a highway system which its citizens can point to with pride. As Commissioner Mackie pointed out in previous testimony, an elected highway commissioner can pinpoint responsibility for highway administration. Under the appointive system the pressure on a governor to "trade roads" for other parts of his program would be enormous. Further, election of a highway commissioner helps promote continuity of policy, so essential to the development of long range highway plans and programs for the state, city and county.

We favor election of the attorney general, the chief law enforcement officer of the state. In a representative government, appointment of the chief law enforcement officer would place him in a position of obligation which would make his duties more difficult. If the attorney general were appointed, he could be subjected to the influences of the appointing authority. Presently, he is able to make an independent legal judgment which might differ from the political decisions of other members of the executive branch.

We also want to emphasize that those offices concerned with handling the people's money—the treasurer and the auditor general—should be directly answerable to the people. The people should have an auditor who is elected by them and directly responsible to them. Michigan's history of dollar honesty in state government, regardless of party in power, has resulted partly from the high character of our citizens and partly from our form of government, with divided constitutional authority among law enforcement officials, financial officials, and other executive officials.

We want a school superintendent elected by the people and accountable to them for the decisions he makes concerning their youngsters. An elected superintendent will have the constitutional status and responsibility to support

the needs of education in meetings of the administrative board and throughout his public activities.

Another reason for opposing the majority report is the veto power by the senate over appointments, a form of "advice and consent". A legislative body that is not truly representative of the electorate is not interested in implementing the powers or assuring the effectiveness of the chief executive. The advice and consent (or veto) concept can only mean that a minority of the people electing a majority of the senators would be able to block the wishes of a governor elected by the majority. Advice and consent forces a governor elected by a majority into an impossible struggle against a form of state government that cannot be representative of the people because of its very structure.

The minority report will result in responsible constitutional government. The governor's power will be sufficiently limited to prevent any undue usurpation of power by him, but at the same time, he will have sufficient flexibility to permit him to carry out his constitutional responsibilities. If power corrupts and absolute power corrupts absolutely, we have found in this report the realistic balance between responsible government and citizen participation.

[Section a was read by the secretary. For text, see above, page 1766.]

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin. Excuse me. Mr. Marshall.

MR. MARSHALL: Yes. I was on the floor seeking recognition. I wish to make a brief statement and then I have a motion to make. I trust that the delegates take this in the same vein that it is given. On Thursday and Friday of last week, there was much talk on the floor of the convention and in the daily press about an alleged deal that had been consummated between factions within the convention. One of our very esteemed and distinguished delegates saw fit to take the floor and make a half hour or 45 minute speech explaining the alleged deal. Later a press conference was held, at which time the alleged deal was explained to the press, and all of you read that in the daily press. Now, because of the involvement—at least the stories in the press—by the explanation on the floor of this distinguished delegate and colleague of ours and in fairness to him and at the same time in fairness to all of the delegates here, that we might have his advice and counsel as we consider what I believe to be one of the most important issues before this convention, and inasmuch as the article that we are now about to take up is directly involved in the alleged deal, I would at this time, Mr. Chairman, move that we pass over Committee Proposal 71 until Friday morning, until the return of this very distinguished delegate, in order that we might have his advice and counsel in the debate, and I urge its adoption. Thank you.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, we reached this in the order of business here and it seems to me we are prepared to go ahead on the matter. I see no reason why we shouldn't get it under way right now. It seems to me that all the questions that are likely to need consideration can come up and we will be discussing this for a long time. I am afraid we are going to be discussing it for several days and there will be plenty of time for everybody to be heard.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I yield to Delegate Ford, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Ford.

MR. FORD: Mr. Chairman, Mr. Martin's concern today with staying with the calendar is certainly not in keeping with what he expressed to us the other day when this was passed over. It was at the head of the calendar and was shoved down here on Thursday. We didn't know why on Friday. Some of us left here thinking we knew why. Some of us left here rather unhappy, thinking that Mr. Martin participated in setting the stage for what was done Thursday night. I think now that Mr. Marshall is raising a valid point here.

As far as the constituents in my area are concerned, they have been informed through the press and other means that a man who is supposedly a leader in this convention has answered this problem for us by bringing together divergent forces and "preventing the radical Democrats from Wayne county from getting together with the Hale Brake Republicans." This being the case, I don't think that we should proceed without having the benefit of his counsel, since he seems to be the man with the principal and most intimate knowledge of the details of what we are going to adopt here and probably we could save a lot of debate if we had the benefit of it at the beginning. I think that the reason for passing now is far more valid than the reasons given last Thursday when we passed over this thing in order to start taking up the ad board one item at a time. I support Mr. Marshall's motion.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I have nothing further to say. Only that I urge its adoption.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: I think we are fully ready to take the matter up and all the delegates will have an opportunity to express themselves in due course on this. I would move that the motion be defeated.

CHAIRMAN MILLARD: Mr. Brown, were you seeking recognition?

MR. G. E. BROWN: I'll pass.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I would just like to point out to our honorable committee chairman that we also were ready to proceed with Committee Proposal 71 the other day when the general orders were changed on us without any advance notice by a motion on the floor coming from the committee chairman. I think that at least we are playing the rules clean and the game according to the rules. I feel that inasmuch as there was considerable publicity, speeches on the floor of this convention, press conferences held, people throughout the state having read these, I think that the delegates to this convention and the people are entitled to have one of the moving parties —at least apparently from the papers—in this alleged deal present when this issue is debated on the floor. I do not believe that my motion to pass over this until Friday morning and proceed with the other orders of business is unreasonable. Thank you.

CHAIRMAN MILLARD: The Chair recognizes Mr. Walker.

MR. WALKER: A question of Mr. Martin through the Chair, please.

CHAIRMAN MILLARD: If Mr. Martin cares to answer.

MR. WALKER: Mr. Martin, only to save the time of this committee, from your insistence that you are ready to go ahead today, are we to interpret that as meaning that a deal has been consummated? If so, we can eliminate any debate and get on with the voting.

MR. MARTIN: Mr. Chairman, Mr. Walker, you are not to put any words in my mouth and you are not to draw any conclusions of that kind or any other kind of that nature. We have reached this in the normal course here. We have delayed it to give people a chance to discuss this matter. Both sides have had an opportunity to review it. And this is the next order of business. I suggest that we go ahead with the order, Mr. Chairman.

CHAIRMAN MILLARD: Do you have anything further on the question, Mr. Walker?

MR. WALKER: I have no further questions of Mr. Martin. May I make one more remark, please, sir?

CHAIRMAN MILLARD: Go right ahead, Mr. Walker.

MR. WALKER: It would appear to me that Mr. Marshall's remarks today and reasons were more cogent than any that we could find for Mr. Martin's the other day. And therefore, I would suggest that we adopt Mr. Marshall's motion.

CHAIRMAN MILLARD: Mr. Stamm.

MR. STAMM: I think this is a very reasonable request. I would like to see this committee grant it with the one condition that they also have Governor Swainson at the session Friday so that he may also speak on this article because I am sure it would be of much interest to both political parties, certainly

MR. HUTCHINSON: Mr. Chairman, I would like to inquire with regard to this problem. I would like to ask Mr. Martin this point: it seems to me, Mr. Martin, that if we should strike out the words "under impeachment" from section f, that when the governor should remove somebody under his powers in section g, section f would give him power to fill a vacancy occasioned by the suspension of an officer who was suspended under section g, but if you limit section f to impeachment situations, then what is the situation under section g? The governor is given power under g to suspend from office an official; under f he isn't given any power to fill the vacancy.

MR. MARTIN: Well, Mr. Chairman, Mr. Hutchinson, the governor would have whatever power he now has to fill a vacancy which might occur from suspension or any other reason.

MR. HUTCHINSON: Mr. Chairman, would Mr. Martin point out to me where, in the text of this proposal or any other proposal, that power would be vested in the governor if you limited it simply to those things arising out of impeachment? I would submit to Mr. Martin that even though section f is under the impeachment article in the present constitution, it doesn't say under impeachment there, and so the present language could be construed broadly enough to take care of the situations in g. But if, Mr. Chairman, section f is limited to impeachment processes, then I would like to have some other authority cited to me for the governor's filling a vacancy occasioned by a suspension under g.

MR. MARTIN: Mr. Chairman, Mr. Hutchinson, I think you have made a point. If section f is left in the executive article, it is true, and if section g is adopted as is now proposed, it is true that there will not be a specific provision for the appointment to fill a vacancy created by suspension. I would agree with that. We had restricted this to impeachment situations, but in light of the point which you make I think I would be inclined—I can only speak for myself; I can't speak for the committee; we haven't had a chance to meet on this—to withdraw our objection to the provision of the minority amendment.

CHAIRMAN MILLARD: The question is on the minority amendment.

SECRETARY CHASE: Messrs. G. E. Brown and Barthwell offer the following amendment to the amendment:

1. Amend the amendment at the end thereof, after "impeachment" to provide for the insertion in the proposal of a comma and the words "other than a judicial officer"; so that the language will then read, "The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, other than a judicial officer, until he shall be acquitted" and so forth.

MR. MARTIN: Mr. Chairman, I think we would accept that.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: In view of what was done in the judicial article—even though I disagree with it and disagreed with it at the time, but, nevertheless, it was enacted by the committee of the whole—in view of that I would also accept the amendment offered by Delegate Brown.

CHAIRMAN MILLARD: The question is on the Brown amendment to the minority amendment.

MR. MARSHALL: I just want to be clear. The amendment does strike out "under impeachment," yes?

SECRETARY CHASE: And adds "insert the language 'other than a judicial officer' " in lieu thereof.

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

The amendment is adopted.

SECRETARY CHASE: Now the question is on the amendment of Mr. Marshall as amended by the Brown amendment which minority report amendment now reads as follows:

1. Amend page 5, line 5, after "officer" by striking out "under impeachement" and inserting a comma and "other than a judicial officer".

CHAIRMAN MILLARD: The question is on the adoption of the minority amendment as amended by the Brown amendment. Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I simply want to make this observation, and while I do not oppose the adoption of this amendment, I think we should keep in mind that its adoption will indicate a necessity, I believe, on second reading to clarify the situation under the impeachment article, because as the impeachment article now stands, and as it was reported by style and drafting, it is subject to the interpretation that Mr. Stevens makes; that after all, no officer other than a judicial officer is subject to suspension by impeachment. And so I think that we will have to look at this again on second reading when we get to the impeachment article.

CHAIRMAN MILLARD: The question is on the adoption of the minority amendment, as amended. All those in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Messrs. Everett and Danhof offer the following amendments to section f—

CHAIRMAN MILLARD: Mr. Everett.

MR. EVERETT: Mr. Chairman, if I could direct a question to Mr. Brown, I think we could withdraw the amendments which were offered by Mr. Danhof and myself.

CHAIRMAN MILLARD: Mr. Brown, if you care to answer.

MR. EVERETT: Mr. Chairman, Mr. Brown, is it your understanding that the amendment which you proposed and which was adopted would mean that judicial vacancies would now be filled in the manner which is already provided in the judicial article?

MR. G. E. BROWN: Yes, sir.

MR. EVERETT: With that in mind, Mr. Chairman, I would, and Mr. Danhof agrees with me—we will withdraw the amendments which we have offered.

CHAIRMAN MILLARD: The Everett-Danhof amendments are, without objection, withdrawn. Are there any further amendments to section f?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN MILLARD: If not, section f will pass.

Section f is passed, as amended. The secretary will read section g.

SECRETARY CHASE: Section g, paragraph 1,

[Section g, first paragraph, was read by the secretary. For text, see above, page 1767.]

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, this section embodies most of the wording of the present provision of the constitution with 2 exceptions. The present wording provides the governor shall have power to examine into the condition and administration of a public office and remove for gross neglect of duty except at such time as the legislature may be in session. That is probably put in there because this was regarded as an alternative to the impeachment power. The committee felt that the governor should have the power, as he does have under the present constitution when the legislature is not in session; the committee believes that he should have the power at all times regardless of whether the legislature is in session or not and that the power should include the power to remove or suspend for gross neglect of duty. The words "or suspend" are added and, of course, the balance of the provision should apply, that he should report the causes of such removal or suspension to the legislature if in session, or otherwise at its next session.

In other words, it gives the governor the power whether the legislature is in session or not and it provides that he may remove or he may take the lesser action of suspending where there is a case of gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein. I think with those changes the language is intact as it was.

CHAIRMAN MILLARD: Anything further from the chairman?

MR. MARTIN: I yield the floor, Mr. Chairman.

CHAIRMAN MILLARD: The secretary will read the minority report amendment.

SECRETARY CHASE: Pursuant to minority report C of Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, Miss Hart and Mrs. Daisy Elliott,

Mr. Marshall offers the following amendment:

1. Amend page 5, line 9, after "duty,", by reinserting "except at such time as the legislature may be in session,"; and in line 12, after "remove" by striking out "or suspend"; and in line 17, by striking out "or suspension", and after "legislature" by striking out "if in session or otherwise".

CHAIRMAN MILLARD: The Chair will recognize the first name on the minority amendment, Mr. Marshall.

MR. MARSHALL: At this time, without objection of the cosponsors, I am going to withdraw the minority amendment on this one, Mr. Chairman.

CHAIRMAN MILLARD: Any further amendments, Mr. Secretary?

SECRETARY CHASE: Not to this paragraph, Mr. Chairman.

CHAIRMAN MILLARD: There being no further amendments to the paragraph, it will be agreed to.

Paragraph 1 of section g is agreed to. The secretary will read the second paragraph.

SECRETARY CHASE: The second paragraph to section g:

[Section g, paragraph 2, was read by the secretary. For text, see above, page 1767.]

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, this paragraph is a part of the majority report because the committee felt that it was desirable to give a definition to advice and consent which would in effect require that some action be taken with respect to appointments. The committee examined this present situation with respect to advice and consent rather carefully. We asked a good many questions of different people who appeared before the committee, and we concluded that the major defect in the present operation of the advice and consent provision, where it exists in many statutes and so on, was that in a great many cases the senate did not act on these appointments. In fact, out of about some 570 cases in the last 5 years, some 170 were not acted upon. Only 11 were rejected. And the committee felt that this is a sort of twisting of the advice and consent power to, in effect, keep in office existing appointees where they receive their appointment under a statute which says that they shall hold their office until a successor shall be appointed and approved and qualified. The result has been that in certain cases—some of them not serious but some of them rather serious—persons have remained in office for long periods of time even though an appointment was made because no action was taken on that appointment, and under the statute under which the incumbent was holding office he could continue holding office until an appointment had been made and confirmed.

We don't think this is good for government, and we think that the senate should be required to take some action within a reasonable period of time. So we have provided that where an appointment is made the senate should have a period of 60 legislative days—and this means that if the appointment were made during a time when the legislature was not in session the legislative days would not begin to run until the legislature came into session—to give the senate ample time to consider the appointment; that where that appointment was made, after a period of 60 legislative days, unless it was disapproved during that time, it would, in effect, be confirmed. We think this cures a rather serious defect in the procedure for using the advice and consent power and that it is desirable.

CHAIRMAN MILLARD: Does anyone else wish to speak for this proposal, Mr. Martin?

MR. MARTIN: I yield the floor unless some other member of the committee wishes to speak on this.

CHAIRMAN MILLARD: Are there any amendments, Mr. Secretary?

SECRETARY CHASE: Mr. Hoxie offers the following amendment to paragraph 2:

1. Amend page 5, line 24, after "appointment.", by inserting "If not disapproved within such period of time the appointment shall stand confirmed.".

CHAIRMAN MILLARD: The Chair recognizes the delegate from St. Louis, Mr. Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, this amendment was offered to clarify what I consider a weakness in the last paragraph. I discussed this with Mr. Martin. He agreed with me that there should be a provision, upon the failure of the senate to disapprove within 60 days, that we should spell out the status of those individuals whose appointments have been submitted to them. And it merely states that if not disapproved within such period of time, relating to the 60 days, the appointment shall stand confirmed. It will clarify the status of each individual who is not disapproved by the senate within such 60 days. I would like to yield to Mr. Martin.

CHAIRMAN MILLARD: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. Chairman, Mr. Hoxie discussed this amendment with me. It seems to me it is a good amendment, does clarify the meaning, makes it quite specific, and I see no objection to it.

CHAIRMAN MILLARD: The question is on the Hoxie amendment to paragraph 2 of section g. All those in favor will say aye. All those opposed will say no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 5, line 22, after "by a" by striking out "majority" and inserting "2/3".

CHAIRMAN MILLARD: The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, last Friday we heard lengthy addresses made with regard to this entire question of the advice and consent of the senate. I think the executive committee is to be congratulated for at least taking some affirmative position in changing what has hitherto not been really dealt with in the Michigan constitution other than mentioning those words. However, we have had sufficient evidence, at least to my own satisfaction, that there has been some conflict between the senate and the governor over appointments by the governor; and I think that it is time that we take an affirmative stand, one that would affirm the powers of the governor to appoint and, at the same time, not take away the power of the senate to disapprove. The only way we could make this kind of a situation work out to the satisfaction of all people here is by inserting a 2/3 vote.

The denial of confirmation should be an unusual thing and based upon very good and sound grounds. It should not be left to whim or caprice, and it should not be based upon simply the different ideas of political philosophy that may exist between individual members of the senate and the governor in selecting his appointments. To deny the president of the United States an appointment is a rare thing at the federal level; the senate has exercised considerable discretion in this power. Here in Michigan over the past few years we have seen a different example set. For this reason an unusual majority may be called for. It doesn't take away the senate's power. It simply provides for an unusual majority for rejection, and in this case I think we would be working toward bringing together the divergent parts within this convention as a whole in reaching an understanding we can all agree with. I urge your support for this amendment.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I just want to clarify a point, Mr. Chairman. A moment ago I withdrew a minority amendment on the first paragraph of section g. Obviously there is some misunderstanding. I thought we had an amendment in to strike this last part dealing with advice and consent of the senate. Am I correct or incorrect?

SECRETARY CHASE: I don't have it on file.

MR. MARSHALL: It was in the minority report dealing with the whole text of section g, and I did say that I would withdraw section g. In other words, we had omitted the last paragraph of section g in the minority report. At this point I think that probably I will not pursue it any further. I can

always offer my amendment in the convention when the committee rises.

I would, while I am on the floor, take this opportunity to speak in behalf of the amendment offered by Mr. Faxon. While in many ways the proposal here of the committee which makes it mandatory that the legislature act within 60 days is much worse than the present provision, in my considered opinion, of advice and consent, in that it denies interim appointments; it would seem to me to create a situation where the legislature would make wholesale rejection because of the fact that the club was over their head that they had to act within 60 days. And in view of this, it would seem to me that the old provision would be better than the committee proposal. While I object to both, this one in many respects is worse. But if we are to be stuck with this one, if this is going to be the proposal of the convention, then certainly in order to try and eliminate a reoccurrence in the future of some of the things that have gone on in the past and some of the things that are going on right now over in the senate, the Faxon amendment would be a step in this direction, in that it would require 2/3 of the senate for disapproval rather than a majority vote.

I think that the delegates here in the convention should give consideration—serious consideration—to this, and I can refer you to an editorial in the Detroit News on Monday, March 26, which I think points out rather vividly what has been transpiring in the present controversy that exists over here in the senate, and again I say, the way in which they are abusing the power of advice and consent. I would like to quote just one excerpt from this Detroit News editorial, which I think pinpoints the attitude. It says, "In point of fact, Inglis' chief sin is that of being a Democrat. It appears to be that he is stubbornly propublic. His 9 years in the state racing commission was marked with controversy arising from his muleheaded view that the public's interest in racing is the paramount interest; that racing in Michigan should be as clean and honest—"

MR. LUNDGREN: A point of order. I don't think Mr. Marshall is sticking to the amendment here.

CHAIRMAN MILLARD: Mr. Marshall, will you stick to the amendment?

MR. MARSHALL: All right. I will stick to the amendment, but the point that I was getting to when I was interrupted was that the Detroit News pointed out the abuse of the advice and consent, which I did not get to quote, but I will accede to your wishes and stick to the amendment. I think that if we are to have this type of proposal that at least by requiring 2/3 of the senate we will go a long way toward correcting some of the abuses and evils that have existed in the advice and consent of the senate, and I urge support of the Faxon amendment.

CHAIRMAN MILLARD: Dr. Nord.

MR. NORD: Mr. Chairman, I also rise to support the Faxon amendment for the following reason: when the advice and consent provision was originally invented in the federal constitutional convention, there were no political parties, and they were not contemplated at that time. Many of the problems that have arisen since that time have not taken into account this change in our entire governmental system. The idea was not that one party should become at war with another in case the governor or the president should be of the opposite party from the legislature, and I think if we were to follow the philosophy behind the original advice and consent we could say, for example—I think it would be a good idea, in fact, to say—that what should be required in order to reject a governor's appointment would be a majority of the majority party plus a majority of the minority party. That would take into account the fact that these are 2 parties, and it would make it impossible for a rejection to be based on partisan reasons. That would be a very simple solution, I suggest.

However, that is not the one, exactly, which is before us. Nevertheless, the Faxon amendment is in that general direction. It is a rough and ready approximation to that approach. By providing for more than a majority in order to reject an appointment—for example, as he says, a 2/3 vote—in effect it will require in all cases the consent of both the majority and the minority in the senate to reject an appointment of the governor. It seems to me that would be an extremely wholesome thing. There you would have the advantage of a group analysis of what the governor has considered to be the correct appointment, and yet it would guarantee that it would never be based on partisan considerations. In the absence of any other more perfect solution to this, it seems to me that the Faxon approach is a reasonable approach, and it is supported by this theory, and on that basis I would support the Faxon amendment.

CHAIRMAN MILLARD: The question is on the Faxon amendment, which is an amendment to paragraph 2, section g. Mr. Martin.

MR. MARTIN: Mr. Chairman, this is essentially the same question we took up some time ago in another connection, and the committee considered this question of making it a 2/3 approval and rejected it. I think, therefore, that the committee's wording ought to stand and that we ought not to try to go to this more stringent requirement of 2/3. I hope that the amendment will be defeated.

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

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: Division is called for. Is there support? Sufficient number up. The question is on the Faxon amendment. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Faxon, the yeas are 37; the nays are 71.

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

SECRETARY CHASE: Mr. Martin, on behalf of the committee on executive branch, offers the following amendment:

1. Amend page 5, after line 24, by adding a new paragraph to read as follows:

"No provision of this constitution or of law or executive order authorized herein shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.".

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, this is simply an amendment to make provision for officers whose terms might otherwise be affected by the changes made in the constitution. I think the terms of the amendment are self explanatory, and it is just intended to provide a transitional period here. It is not impossible that style and drafting may wish to move this to another part of the constitution and may wish to modify it in the light of other changes that are being made, but the committee felt it necessary to state its general views here.

CHAIRMAN MILLARD: Are there any others of the committee that desire to talk on this amendment, Mr. Martin?

MR. MARTIN: I yield the floor, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Durst.

MR. DURST: Mr. Chairman, I would just ask Mr. Martin a question, if I may. Mr. Martin, does this provision, in your interpretation, apply to members of the judiciary? Do they hold a state office that this would apply to?

MR. MARTIN: I think that this probably does not apply to the judiciary, no. I think this would apply only to other members of the executive branch.

CHAIRMAN MILLARD: The question is on the committee amendment to add a paragraph to section g. All those in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Wanger offers—

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: If there are other amendments to be of-

fered, I think it is desirable that we take some time off here, and I move that the committee do now arise.

CHAIRMAN MILLARD: The question is on the motion of Mr. Martin that the committee do now rise. All in favor say aye. Opposed no.

The motion prevails.

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

VICE PRESIDENT HUTCHINSON: The delegate from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had under consideration a proposal of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 71,** has considered a number of amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Announcements.

SECRETARY CHASE: The following announcements:

The committee on emerging problems will meet this noon immediately following the session in room G. Frank G. Millard, chairman. Footnote, "Bring your lunch."

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

The committee on legislative organization will meet in room D immediately following the afternoon session today. Mr. John Hannah, chairman.

That is all of the announcements, Mr. President.

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from the thirty-fourth senatorial district, Mr. Staiger.

MR. STAIGER: Mr. President, I move that the convention recess until 2:00 p.m.

VICE PRESIDENT HUTCHINSON: The question is upon the motion to recess. All those in favor will say aye. Opposed, no.

The motion prevails. The convention will stand in recess until 2:00 o'clock p.m.

[Whereupon, at 11:30 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

The convention will be in order.

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

There was filed with the secretary during the luncheon hour a request by Mr. Hatch to be excused from the remainder of today's session.

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

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

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

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

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

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

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

SECRETARY CHASE: Under consideration is **Committee Proposal 71,** section g, paragraph 2. An amendment offered by the committee on executive branch had been adopted.

Mr. Wanger offers the following amendment:

1. Amend page 5, following line 24 by inserting a new paragraph to read as follows:

"No appointee whose appointment is subject to the approval of the governor under this constitution shall assume the duties of his office until his appointment has been so approved.".

CHAIRMAN MILLARD: The Chair will recognize the delegate from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, this paragraph is a paragraph to define what is meant by the term "advice and consent of the senate." One of the problems which we know has existed under the present constitution in this regard has been that the senate by nonaction may keep the sword of Damocles above an appointee's head for a long period of time, and the committee, as you know from this paragraph, has solved that problem. However, the committee, I believe, may have created an additional and a similar problem in providing in paragraph 6 of section b that the chief executive officer of a board or commission heading a principal department is appointed by such board or commission as prescribed by law. His appointment shall be subject to the approval of the governor, except as otherwise provided in this constitution. It seems to me the words "his appointment shall be subject to the approval of the governor" could very reasonably be interpreted to mean that the appointee in question could be appointed, assume the duties of his office, and the governor by nonaction could keep a suspensive veto over him for a long period of time. This would clearly be improper, just the same as it is improper under sound constitutional drafting and usage for the senate, and therefore I offer this amendment to define what "subject to the approval of the governor" means.

The amendment merely says, "No appointee whose appointment is subject to the approval of the governor under this constitution shall assume the duties of his office until his appointment has been so approved." This forces both the board and the governor, with respect to the appointment, to get together and to take immediate and responsible action—as it, of course, should, ideally, always be taken—and removes any doubt with respect to the meaning of the language which we have agreed upon under paragraph 6 of section b above in this proposal.

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, may I ask Mr Wanger a question?

CHAIRMAN MILLARD: If Mr. Wanger cares to answer.

MR. MARTIN: Mr. Wanger, what is the effect of this amendment of yours going to be to keep an office from being filled for any substantial period of time?

MR. WANGER: It would keep, Mr. Chairman, the—

MR. MARTIN: Mr. Chairman, provided that he cannot assume his duties until his appointment has been approved. Suppose the board appoints and the governor doesn't act right away; does that mean that the board can't have anybody on the job?

MR. WANGER: Mr. Chairman, Mr. Martin, it certainly does not mean that everything in the department must come to a standstill. Obviously there are seconds in command in these various departments. However, it would mean that no one could assume the duties of the executive position involved until he had been approved by the governor. There is certainly no question about that and should not be.

MR. MARTIN: It seems to me, Mr. Chairman, that the effect is to make it possible to have a gap there in which nobody is serving as the head of this department. It seems to me that would be very unwise and undesirable. As the amendment stands, I think we would be opposed to it.

MR. WANGER: There is, Mr. Chairman, no question but that it is always possible for a board and the governor to agree upon a temporary appointment until a permanent replacement to fill the vacancy has been found. However, the problem which this amendment gets around could upon occasion be just as serious as the problem of nonaction by our present state senate, namely, a man is appointed to fill a vacancy; he assumes the duties of his office; but in every act in performing those duties he knows that should he displease the person having the power

to disapprove his appointment, that disapproval may come down any time. This is clearly not in the best interests of the impartial administration of the public policy underlying the various departments headed by these boards and commissions.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, it seems to me that the Wanger amendment would have the same effect in government that you would if you turned a 10 ton truck loose without a driver. You could have several of these important department head positions open and, if I understand the amendment correctly, you couldn't even fill them. Supposing the governor was tied up in other matters and it took him some time to get around to all of them—and you just don't do these things on a day or 2 days' notice—what would happen in the department as far as the running of the department, the ordinary processes and so forth under your amendment, Mr. Wanger?

MR. WANGER: Mr. Chairman and Mr. Marshall, I just explained that, I think, quite clearly. The first is that there are always people who are second in command in these departments and, secondly, it would be obviously proper and expedient for the commission and the governor to agree upon a temporary appointee to fill this position until a permanent replacement could be found. There is no problem of a gap here in any serious sense of the word, Mr. Marshall.

MR. MARSHALL: I believe, on the contrary, that there would be a gap in the strongest sense of the word, and even if you had some lower echelon person who could assume this, he would not actually be in a position of directing and running the department, and I don't see where the amendment actually makes any improvement at all, and I can see many ways in which it could be a hindrance, and I would therefore oppose the amendment.

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

The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Messrs. Faxon and Nord offer the following amendment:

1. Amend page 5, line 22, after "members elect" by inserting "of each of the 2 major political parties"; so that the language will then read:

> Appointment by and with the advice and consent of the senate when used in this constitution or in statutes in effect or hereafter enacted shall mean appointment subject to disapproval by a majority vote of the members elect of each of the 2 major political parties of the senate if such action is taken within 60 legislative days after the date of such appointment.

CHAIRMAN MILLARD: The Chair will recognize the proponent of the amendment, Mr. Faxon.

MR. FAXON: Mr. Chairman, members of the committee, I think it was pointed out well this morning that when the whole idea of advice and consent was conceived of in the federal constitutional convention in 1787 they did not think in terms of political parties. They did not even at that time recognize the existence of different political parties as such. Because of this we have adopted the language, advice and consent of the senate. But after that time political parties developed, and the idea of advice and consent of the senate, as it was originally put in the federal constitution, has never been changed or revised to recognize the existence of political parties in our state and society.

Now this provision takes recognition of what is a fact, and it does more than that. It doesn't say more than a majority; it says a majority. But it deals with the idea that where there is a disapproval of a governor's appointment, that that disapproval will not be on the basis of different political party philosophies or affiliations. In other words, there is a legitimate reason for not confirming appointments of the governor, but is it not a legitimate reason to deny confirmation on the basis of the person's political party, because it is obvious to us that the governor's election represents the will of the people in the state, and that his appointments should stand unless rejected not just by members of one political party, but rejected by members of both political parties? So what this would do is, it would force the political parties to work together with regard to appointments and rejection of such appointments. It provides that a majority of the majority plus a majority of the minority will theoretically make the decision which could be that of just the majority or it may require more than the majority, depending upon the number of people involved.

I think that this would take the political aspects out of the selection process of filling appointments by the governor, and at the same time assure a check by the senate with regard to the person serving. I would urgently ask you to view this favorably so that we can come to some agreement over this entire question of advice and consent.

CHAIRMAN MILLARD: Does the other proponent wish to speak? Dr. Nord.

MR. NORD: Mr. Chairman, I don't wish to review the arguments again. I would simply call to the attention of the delegates that while this is a rather late thought to be introducing, I believe it is worthy of consideration, and I hope that the delegates will think about it even if they should see fit not to adopt it at this time; nevertheless, to consider it further later on, because I recommend it to you as being a valuable solution to the problem of advice and consent in the senate.

You realize, delegates, I believe, that when you have a senate which is not apportioned to everyone's satisfaction it raises problems about whether the majority of the senate should be allowed to veto the action of a governor, especially if he is of the opposite party; and yet, as I see the amendment before us, this almost takes out entirely the problem of apportionment from the advice and consent. I haven't done all the calculation on it, but it appears to me that no matter what the apportionment system would be, no matter how malapportioned it might be or how malapportioned anyone might think it might be, nevertheless, if you have a majority of the majority party plus a majority of the minority party you certainly do have consent in every sense it needs to be had. Therefore, I suggest it to you on the basis of the arguments given to you by Mr. Faxon and also on the practical basis that it could eliminate one stumbling block on the advice and consent of the senate—and on its own merits, too—it would make it possible to have an advice and consent function which would be perfectly sound and yet would absolutely make impossible any political aspects to it. Therefore I hope you will consider it, and if you don't feel you have time to consider it fully at this point, that you will nevertheless consider it at a later time.

CHAIRMAN MILLARD: Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, it seems to me this amendment is so bad in its philosophy and principle of government it is hardly necessary to say anything against it. I would, however, like to make just one statement. I think the more we keep out of the constitution reference to political parties the better we will be, particularly 50 years from now. I suggest we put in the term, political parties, only when we think it is urgently necessary for some reason such as a bipartisan commission. Thank you.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, Mr. Faxon is right when he says this is a novel idea, but I am afraid the trouble with it is that it emphasizes rather than deemphasizes politics in the approval of these nominees. I think it would effectively prevent the rejection of anyone who was appointed by reason of the way in which our language is drafted. It would therefore effectively confirm all appointees of the governor. I hope the committee will defeat the amendment.

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

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? Sufficient number up. The question is on the Faxon-Nord amendment. All those in favor will vote aye. All those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Faxon and Nord, the yeas are 29; the nays are 83.

CHAIRMAN MILLARD: The amendment is not adopted. Are there any further amendments on the desk?

SECRETARY CHASE: None on file to this section, Mr. Chairman.

CHAIRMAN MILLARD: If there are no further amendments to section g, it will pass.

Section g is passed, as amended. The secretary will read.

SECRETARY CHASE: Messrs. Figy, Karn, Knirk, Shackleton, Sharpe and Tubbs offer the following amendment:

1. Amend page 5, following section g, by inserting a new section h to read as follows:

"Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate for 4 year terms. No 2 members shall have conterminous terms.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for the execution of policy of the state highway commission.".

CHAIRMAN MILLARD: The Chair will recognize the first proponent of this amendment known as a new section h, Mr. Figy.

MR. FIGY: Mr. Chairman, fellow delegates, the state highway department must be responsive to public control in order that it may best serve the interests of the people of the state. But the substantive nature of the work involves the exercise of professional knowledge and technical skills. In determining the organization of the state highway department, we must seek to balance these 2 aspects of its functioning.

The amendment submitted provides for a 4 member bipartisan commission serving staggered terms and appointed by the governor with the advice and consent of the senate. Such a commission, representing a variety of viewpoints, chosen by the governor, will be made up of persons responsive to the public interest.

The amendment submitted provides that the administrative head of the department shall be a director appointed by the highway commission and that he must be a competent highway engineer and administrator. The operation of a highway department of the magnitude of that of the state of Michigan requires that the director have certain very definite qualifications in a very high degree. The design, construction and maintenance of highways and the direction of the complex organization necessary to implement these functions, is a job that can only be properly exercised by a man who has acquired an extensive background in this area of work.

The method of organizing a department which is being proposed has been employed by the state of Michigan in many other areas. At the present time the state departments of aeronautics, agriculture, civil service, conservation, corrections, libraries, mental health and social welfare are all headed by a board or commission which is appointed by the governor with the advice and consent of the senate and which in turn appoints its administrative head. It should be noted that this list includes departments performing extensive and vital functions in the government of the state. These departments also share with the highway department the need for using special professional skills which makes a director with an extensive background in a particular area of work so desirable. Nor is this method of organization unknown to state highway departments. The administrative head of the state highway department is appointed by a highway commission in Arkansas, Delaware, Louisiana, Nevada, Oklahoma, South Carolina, Texas, Utah and Wyoming.

Examples of governmental departments headed by an administrator appointed by a board or commission specifically concerned with setting the policies of that department are too numerous to list. This is widely recognized as an organizational framework which permits the professional and technical work of a department to progress without undue pressure and interference, while at the same time subjecting it to the legitimate control of a publicly responsible body. It is with these ends and the need to achieve them in our state highway department in mind, that this amendment is submitted.

There is much other precedent for this type of organization other than what I have mentioned. As you know, in all of our counties in the state of Michigan they have a county highway commission, and the highway commission is authorized to hire the engineer or the executive officer.

In my experience in agriculture—which is somewhat different, I will admit, than it is in highways—it was my pleasure to work with all of the state departments of agriculture in the whole United States at one time or another, and one of them that stands out I think, is our sister state of Wisconsin, where they have such a provision as this. They did have and the director of the department apparently was not doing the best job in the interest of the board or commission, as they are called so he was relieved of his duties. It was not necessary for them to continue him until his elective term ran out, until he might run again for election, and might get elected to the position; but he was relieved of his duties and a young man in the department, in the opinion of the commission anyway, was very capable of carrying on the responsibilities. He was made the head of the department, and in my work with him for several years I think he did a splendid job, much better than the previous director, who was also a good friend of mine.

Now, I don't want to belabor this thing much longer. I think we have brought out the points on it. It has been discussed by different people. I think you know what the amendment is, and without taking more of your time right now I would yield to Delegate Karn for some remarks.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Jackson, Mr. Karn.

MR. KARN: Mr. Chairman, members of the committee, I rise to speak in favor of the amendment which Delegate Figy has just presented to you.

A 4 man commission representing both political parties and with a delegated responsibility for the control and jurisdiction over all of our state trunkline highways, in my opinion, at least, through the years would select a director perhaps with excellent qualifications, perhaps better qualifications than would be selected by either political party in a convention. In addition to this, appointment of a director would eliminate the rather considerable time and expense required for electing the director of the highway department.

This certainly is an important job. It needs the complete attention and effort of the director; and one who finds that periodically he must stand for election and campaign throughout the state is using time that could better be used if he is not selected in this manner. It seems to me also that the appointment of a director by the commission rather than by election, or appointment by the governor, would tend to remove politics from a very important department.

Now we have heard it said and there are those who believe that a director of a department such as this is farther away from politics if elected than appointed. It is difficult for me to agree with that type of thinking. However, it may be possible at times. But it does seem to me that with a 4 man commission in there with the responsibility and with the director free to devote his entire time and attention to the job at hand, I do believe personally that he would be removed farther from politics than is true today. I recommend the adoption of the amendment.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: I would like to yield at this time to Delegate Knirk.

CHAIRMAN MILLARD: The Chair will recognize Delegate Knirk.

MR. KNIRK: Mr. Chairman and delegates, I wish to add a few comments to the comments of Delegates Figy and Karn. I was somewhat undecided in this particular position, whether or not they should be elected or appointed by this particular

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

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

SECRETARY CHASE: **Committee Proposal** 71, a proposal to provide for the election, term and duties of state officers, et cetera.

For last previous action by the committee of the whole on Committee Proposal 71, see above, page 1988.

When the committee rose last night there was under consideration an amendment to the body of the proposal by Mr. Wanger:

[The amendment was again read by the secretary. For text, see above, page 2005.]

CHAIRMAN MILLARD: The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. Chairman, with the understanding that the language to which this applies is to be deleted subsequent to this time, I withdraw my amendment.

CHAIRMAN MILLARD: The amendment is withdrawn. Are there any further amendments to the body of Committee Proposal 71?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN MILLARD: If not, it will pass.

Committee Proposal 71, as amended, is passed. Thank heaven. (laughter)

SECRETARY CHASE: **Exclusion Report 2027,** A report recommending the exclusion of article VI, sections 14 and 15; to which a motion to reconsider is pending.

For last previous action by the committee of the whole on Exclusion Report 2027, see above, page 1976]

Yesterday, before the committee of the whole rose, Mr. Wanger moved to reconsider the action of the committee of the whole in passing Exclusion Report 2027 without amendment.

CHAIRMAN MILLARD: The Chair will recognize Mr. Wanger.

MR. WANGER: Mr. Chairman, this exclusion report was adopted by the committee according to its report in the journal because it believed that sections 14 and 15 of article VI had been better covered by Committee Proposal 48. Now, as you know, the convention voted not to pass Committee Proposal 48. And because of the haste of yesterday's activities, it is my very strong conviction that we would do well to give careful consideration to retaining section 14 of article VI of the constitution. This reads as follows:

> Sec. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, except as provided in this constitution.

Now, the most important words of that section are the words "holding office under . . . this state" because this section prevents the governor of the state of Michigan from concurrently holding, say, the office of governor and also being the mayor of a city.

The annotations show that back just before the turn of the century Governor Pingree was elected to the governorship while he was mayor of Detroit. He desired, as far as we can tell from the case, to hold both offices and perform both offices at the same time. The court held in this case, which is in volume 112 of the Michigan Reports, at page 145, that this section prevented him from doing that. I think it is clear that today, in this modern and much more busy governmental age, we should not allow dual officeholding in this regard by the governor of the state.

Now, the second thing which this language I believe prevents the governor from doing is this: it prevents the governor from appointing himself to a state board or commission, because being on those boards or commissions would be an office under the state. If it were not for this language, I think it might be possible that the governor, if he should not find someone that in his opinion was as well qualified in an area as himself, might appoint himself to the civil service commission, or some other of the various boards or commissions of our state. I think that we all agree that in the long run this would not be in the best interests of the state of Michigan, and it should be prevented.

Now, I believe there may also be a third reason for retaining this section. That is this. In discussing the office of the auditor general, we have talked a good deal about the fact that the legislature imposes sometimes the burden of an additional office or additional duty upon this constitutional officer. The long range result of this is that the officer is burdened with too many offices and too many things to do, and has a difficult time doing the primary functions properly. It seems to me that this section is a protection to the governor, in that it prevents the legislature from assigning to the governor any other office under this state, which the legislature, as you know, by a 2/3 vote of both houses at any time could do. I think this is a protection to the governor, particularly in the times in the future when there might unhappily be great controversy between those 2 branches of government. It is for this reason that I ask you to reconsider the vote by which we passed this exclusion report.

The exclusion report also covers, as I understand, section 15, which says:

> Sec. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

I think it's quite clear that the primary purpose, perhaps the sole purpose, why this was adopted was because at the time of adoption the state legislatures were burdened with the duty of selecting senators. Today, of course, that is not the law. Therefore, it would seem to me that this section 15 gives little, if any, additional protection over section 14, and can therefore be well deleted from the constitution. Thank you.

CHAIRMAN MILLARD: The question is on the motion to reconsider. Mr. Martin.

MR. MARTIN: Mr. Chairman, the provision which the committee had proposed was eliminated yesterday. That was proposed after consideration of the fact that we were eliminating these 2 sections. But it was felt that even with or without it, it was not necessary to retain these 2 sections in the constitution.

As Mr. Wanger has pointed out, section 15 was designed to deal with the problem of the possible appointment of the governor or lieutenant governor to a senatorship, and this is no longer possible under the present federal law, so there was no question about eliminating section 15.

As far as section 14 is concerned, these were the committee considerations. First, ½ of the states have no such provision in their constitution and have never found it necessary to have such a provision. Secondly, the possibility of the governor holding an office which was clearly incompatible with the office of governor is subject, under common law, to court declaration and to the determination that such other office would be incompatible and could not be held at the same time. It is true that the court at the time of the Pingree case relied on section 14, but it is also true that it did not have to rely on section 14; it could have relied upon the common law in this matter. Third, it is clear that the legislature can legislate on this matter if it finds that it is desirable to express a dual officeholding provision of this kind.

For those reasons the committee thought it was unnecessary to include this section, and for the same reasons I think the committee would feel that it is not necessary to reconsider the action which the convention took yesterday.

CHAIRMAN MILLARD: Mr. Wanger.

MR. WANGER: With regard to the point that the common law covers the situation, I would say first of all that the common law rule of incompatibility is in many cases quite unclear when applied to specific cases. Secondly, of course, that the common law can always be changed by a simple statute passed

by the legislature; of course, by a 2/3 vote, if the governor should happen to veto it.

With regard to the question of the power of the legislature to act in this area, I would suggest that at least with respect to offices created by the constitution itself the legislature would be powerless to prescribe any additional qualifications for the job, and therefore the legislature would not be able to take care of this situation. Inasmuch as this situation includes many boards to which the governor might appoint himself, and since the governor would naturally be politically the most powerful person in the state of Michigan, under practically any circumstances, I think we should follow the good sense of our forefathers who put this into our state constitution, and retain it.

CHAIRMAN MILLARD: The question is on the motion to reconsider Exclusion Report 2027. All in favor of reconsideration will say aye. Opposed, no.

DELEGATES: Division.

CHAIRMAN MILLARD: Division is called for. Is there a sufficient number up? There is a sufficient number. The question is on the motion of Mr. Wanger to reconsider the action which adopted Exclusion Report 2027. All of those in favor of reconsideration will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to reconsider, the yeas are 53; the nays are 57.

CHAIRMAN MILLARD: The motion does not prevail. Is there anything further on your desk in regard to the executive branch proposals?

SECRETARY CHASE: Nothing else, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, are we through with all matters?

CHAIRMAN MILLARD: We are through with all matters concerning the executive branch which are on the secretary's desk at this time.

MR. MARTIN: Then I move that the committee rise, Mr. Chairman.

CHAIRMAN MILLARD: Before the Chair puts the motion, may the Chair express its thanks to the committee of the whole, to the delegates, for their very courteous treatment? (applause) The Chair became cornered 2 or 3 times, and you very obligingly helped the Chair out. The Chair thanks you.

MR. MARTIN: Mr. Chairman, before you depart from the rostrum, I think the applause is evidence of the delegates' feelings, but may I, personally, on behalf of the committee on executive branch, as well as the delegates, express our appreciation for your fairness and impartiality in handling our somewhat complicated problems. Thank you very much. (applause)

CHAIRMAN MILLARD: Thank you, Mr. Martin. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I just want to echo those remarks. I think that the General has been one of the best sparring mates I have ever had.

CHAIRMAN MILLARD: Thank you. The Chair would also like to say that during the course of one of the hot debates, a very encouraging note was received from Delegate Marshall. It says, "Don't just sit there; worry!" (laughter)

The Chair also wants to express its appreciation to our parliamentarian, who helped me out so courageously at times. With that, the Chair will put the question. The question is on Mr. Martin's motion that the committee do now rise. All in favor will say aye. Opposed, no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had under consideration certain matters on which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Exclusion Report 2027,** A report recommending the exclusion of article VI, sections 14 and 15 of the constitution. It reports this exclusion report back to the convention with a recommendation that it be adopted.

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

Exclusion Report 2027 is adopted, and referred to the committee on style and drafting.

For Exclusion Report 2027 as referred to the committee on style and drafting, see above, page 1730.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 71,** (bf) A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. It reports this committee proposal back to the convention with several amendments, recommending the amendments be agreed to, and that the proposal as thus amended do pass.

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

[1. Amend page 1, line 10, after "Sec. a.", by striking out lines 15 through 19, and inserting "The governor, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.".

2. Amend page 1, line 20, after "lieutenant governor" by inserting a comma and "secretary of state and attorney general".

3. Amend page 2, line 17, after "major purposes" by changing the period to a comma and inserting "but at no time shall an examining or licensing board be composed of or governed by a majority of members of a competitive profession.".

4. Amend page 3, line 13, after "attorney general.", by striking out the balance of the line, all of line 14, and through "amended,", in line 15.

5. Amend page 3, line 15, after "executive" by inserting a comma and "other than an elective official,".

6. Amend page 3, line 20, after "thereof" by inserting a comma and "unless elected or appointed as otherwise provided in this constitution,".

7. Amend page 4, line 6, after "governor" by inserting a comma and "unless otherwise provided by the constitution".

8. Amend page 5, line 5, after "officer" by striking out "under impeachment" and inserting a comma and "other than a judicial officer".

9. Amend page 5, line 24, after "appointment.", by inserting "If not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution or of law or executive order authorized herein shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.".

10. Amend page 5, following section g, by inserting a new section to read as follows:

"Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate for 4 year terms. No 2 members shall have conterminous terms.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state high-

way department and shall be responsible for the execution of policy of the state highway commission.".

11. Amend page 5, following section h, by inserting a new section to read as follows:

"Sec. i. There is hereby created a civil rights commission which shall consist of 4 persons, not more than 2 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 year terms. It shall be the duty of the commission, in a manner which may be prescribed by law, to investigate violations of, and to secure the protection of the civil right to employment, education, housing, public accommodations, and to such other civil rights as provided for by law and the constitution. The legislature shall provide annually sufficient funds for the effective operation of the commission. No member of the commission shall be eligible for election or appointment to public office during the term for which he was appointed nor for 2 years thereafter.

The commission shall have the power to promulgate rules and regulations, hold hearings, administer oaths, require the attendance of witnesses and the submission of records, to take testimony, to issue appropriate orders and such other powers as are necessary to carry out the purposes of this commission, except as otherwise provided by law or this constitution. These provisions shall not be construed to deny, or enable or allow the denial of, any direct and immediate legal or equitable remedy in the courts of this state, to any person affected thereby.".]

MR. IVERSON: Mr. President.

PRESIDENT NISBET: Mr. Iverson.

MR. IVERSON: I move that we recess for ½ hour.

PRESIDENT NISBET: The question is on the motion of Mr. Iverson to recess for ½ hour, to approximately 10:00 o'clock. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 10:00 o'clock.

[Whereupon, at 9:30 o'clock a.m., the convention recessed; and, at 10:00 o'clock a.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I move that the consideration of the report of the committee of the whole relative to Committee Proposal 71 be postponed until the afternoon session of next Tuesday.

PRESIDENT NISBET: The question is on the motion of Mr. Brake. Mr. Downs.

MR. DOWNS: Mr. President, may I ask through the Chair a question of the maker of the motion?

PRESIDENT NISBET: You may. Mr. Brake.

MR. DOWNS: For what purpose do you think we should wait until Tuesday to deal with this problem?

MR. BRAKE: Because we have some studying we want to do on it.

MR. DOWNS: Could I ask, Mr. President, if he thinks we did not have adequate discussion on this proposal?

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: I think we had a great excess of discussion.

MR. DOWNS: That answers my question, Mr. President. I see no reason—if I still have the floor—

PRESIDENT NISBET: You have.

MR. DOWNS: —for postponing discussion. I believe that we had a very long debate. We worked late last night. The matter is still fresh in our minds. We have gone on on this for a long period of time, and I for one would rather see us clear the matter up today, unless some compelling reason can be shown for postponing action.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: May I ask a question of Delegate Brake?

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

MR. MARSHALL: Mr. Brake, could you tell me if it's all of the report on Committee Proposal 71, or just portions of it, or just one section of it, that brings about the delay?

MR. BRAKE: All of it.

MR. MARSHALL: Mr. President and delegates, I would have to oppose the postponing of the report on the spur of the moment. I think we have had ample discussion on the entire provision. We have talked about it here for days. I think everybody understands it. It is fresh in our minds.

On more than one occasion here, time and time again, this has happened. When we were debating in committee of the whole the report of the executive branch, the chairman of the committee, I think without talking to any of the other members of the committee, and certainly without talking to the minority, would get up on this floor and shuffle the calendar, maneuver it about, and set sections of it to the end of the calendar when we were prepared to proceed with debate. I don't think this is the way to run the committee. It leaves us, in the minority, in the position of not knowing from one moment to the next where we are going, what we are doing, and what we are doing it for. I resent the continual changing of this calendar, shuffling the proposals around to satisfy the wishes of the majority, without even the consideration of discussing it with the minority.

I think it's highly unfair, and I think any fairminded individual would also resent it. And I would oppose putting Committee Proposal 71 to the end of the calendar, or postponing the report of it until Tuesday; and ask that we proceed with the debate and the votes. I might tell you that I had not intended, in the convention, to give any long winded talks on the amendments that we have before the convention because, as Delegate Brake has pointed out, we have had an excess of discussion. We had not intended to have any long discussion of these now; merely to make a few brief supporting remarks on the amendments, and vote on them. I cannot see any good logical reason for postponing the votes on this particular proposal at this time.

Again, I think it is highly unfair to the minority to continually and constantly shuffle this calendar without even discussing it with the leaders of the minority party in this convention.

MR. WOOLFENDEN: Point of order, Mr. President.

PRESIDENT NISBET: You may state it.

MR. WOOLFENDEN: I understand this motion to be a motion to lay on the table, and under rule 48 it is not debatable. Can I have a ruling of the Chair, please?

PRESIDENT NISBET: The motion of Mr. Brake is to postpone until Tuesday, a definite time, the report of the committee of the whole relative to Committee Proposal 71. Mr. Hodges.

MR. HODGES: Mr. President, this is the most shocking thing to date at this convention. (laughter) Laugh if you want, but it happens to be true. At least 2/3 of this constitution was dealt away in a deal 2 weeks ago, and now they want to put it in another caucus and deal away that part of it. If we are going to decide this constitution, let us decide it on this floor. We adopted rules so the public could know what is going on, and we have open committee meetings and open sessions here. Instead, what has happened is that every deal is being made off this floor in the caucus of the majority party, and now we are supposed to help them out by another 5 days' delay. What happens if you can't line your troops up then? Do we have another 5 day delay? You said you wanted to adopt a time schedule here to get things done, and now we are asked for a 5 day delay on what we are doing now. I oppose it.

MR. NORD: Mr. President, a point of convention privilege.

PRESIDENT NISBET: Mr. Nord.

MR. NORD: This raises the same question that we had 2 weeks ago on Friday: whether or not we are going to have a convention with all of the delegates in a position to participate in it. We have debated the question that is now about to be postponed. All of the delegates have debated at terrific length.

PRESIDENT NISBET: Mr. Nord, will you state your question of personal privilege?

MR. NORD: The question is simply this: do the delegates determine the issues of this convention by debate on the floor, and then vote, with a record roll call vote, or do some of the delegates debate off the floor?

PRESIDENT NISBET: Mr. Nord, that's not a question of personal privilege.

MR. NORD: I didn't say it was a personal privilege. I said it was a convention privilege.

PRESIDENT NISBET: It is not a convention privilege, either.

MR. NORD: Mr. President, there are 144 delegates, and 144 of us wish to debate these questions and wish to decide them. We don't wish to have them debated off the floor. I assert that it is a convention privilege to debate them on the floor, decide them on the floor, and to vote on the floor; and not to take them off the floor. I therefore say that this particular proposition that is before us vitiates not just one section of the constitution, it vitiates the convention.

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

PRESIDENT NISBET: The demand for the previous question has been made. Is that demand seconded? There is a sufficient number up. The question now is: shall the previous question be put? Those in favor say aye. Those opposed, no.

DELEGATES: Division.

PRESIDENT NISBET: Is the demand for a division vote seconded?

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

PRESIDENT NISBET: The yeas and the nays have been demanded. Is the demand for the yeas and nays supported? The demand is supported. Those in favor of putting the previous question will vote aye. Those opposed will vote no.

MR. VAN DUSEN: Mr. President, I have just a point of information, if I might.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: It is my understanding that the journal of yesterday's proceedings will not be available until Monday, is that correct?

PRESIDENT NISBET: That is correct. Do you have a question, Mr. Marshall?

MR. MARSHALL: Mr. President, I wanted to make a brief statement, if I'm not out of order.

PRESIDENT NISBET: The vote has been ordered, Mr. Marshall.

MR. MARSHALL: I can't make a statement?

PRESIDENT NISBET: No. The vote is on ordering the previous question. 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—82

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

Nays—46

Austin	Garvin	Mahinske
Balcer	Greene	Marshall
Barthwell	Hart, Miss	McCauley
Binkowski	Hatcher, Mrs.	McGowan, Miss
Bledsoe	Hodges	Murphy
Brown, T. S.	Hood	Nord
Buback	Jones	Rajkovich
Cushman, Mrs.	Kelsey	Snyder
Dade	King	Stopczynski
Douglas	Krolikowski	Suzore
Downs	Kuhn	Walker
Elliott, A. G.	Lawrence	Wilkowski
Elliott, Mrs. Daisy	Lesinski	Wood
Faxon	Liberato	Young
Follo	Madar	Youngblood
Ford		

SECRETARY CHASE: On the vote on ordering the previous question, the yeas are 82; the nays are 46.

PRESIDENT NISBET: The previous question is ordered. The question now is on Mr. Brake's motion.

MR. DOWNS: Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I demand the yeas and the nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? There is a sufficient number up. The question now is on Mr. Brake's motion that the report of the committee of the whole relative to Committee Proposal 71 be laid over until Tuesday afternoon. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. DOWNS: A parliamentary inquiry, Mr. President.

PRESIDENT NISBET: May we finish the vote, please.

MR. DOWNS: Mr. President, this is for before the vote is announced. Could I ask the president to ask the secretary to read rule 67.

PRESIDENT NISBET: Mr. Secretary.

SECRETARY CHASE: Rule 67 reads as follows:

> No delegate shall be entitled to abstain from voting in any roll call unless he shall have stated his intention to abstain before the voting starts. He may voluntarily state his reasons for such abstention. Upon any announcement of intention to abstain, the delegate making such announcement, upon request of 5 delegates, may be required to state his reasons.

MR. DOWNS: I notice, Mr. President, that there are some delegates in the building or in the convention hall who have not voted. I believe that they are in violation of this rule, since they did not ask to abstain. Could I make a parliamentary inquiry as to whether those delegates are in violation of the rules of this convention?

PRESIDENT NISBET: The rules say that he shall not be entitled to abstain unless he has stated his intention.

MR. DOWNS: Mr. President, then could I inquire of the Chair the parliamentary means of seeing that those delegates who did not announce their intention of abstaining and have abstained and are in violation of the rules of the convention could get back into compliance with the rules of the convention?

MR. ROMNEY: Mr. President.

PRESIDENT NISBET: Mr. Downs, you may request the votes. Mr. Romney.

MR. ROMNEY: Mr. President, probably Mr. Downs' inquiry relates to the fact that I have abstained from voting. And in the event that that should happen to be the case, I would like to say to Mr. Downs that I have abstained from voting because the particular things that are being voted upon are not things on which there has been sufficient discussion, either on the floor or off the floor, for me to take a position on. Consequently, I have refrained from voting on these motions.

MR. DOWNS: Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I'm sorry any delegate implied that I was referring to any particular delegate. (laughter) I mentioned there were several names on the board of delegates who were in the convention hall and had not voted. I believe that be-

cause they did not announce abstaining, they are in violation of rule 67. I call this to the attention of the convention, and ask the president, as a parliamentary inquiry: how can we see that the rules of this convention are carried out?

MR. L. W. RICHARDS: Mr. President.

PRESIDENT NISBET: Mr. Richards.

MR. L. W. RICHARDS: Mr. President, I abstained. I have a reason. I had some other plan that I would prefer to this.

PRESIDENT NISBET: Mr. Downs, the Chair is informed that you can request their vote. However, if they refuse to vote there is no procedure to do anything else about it.

MR. DOWNS: Mr. President, I request the vote of all delegates who are in the convention hall and have not voted on this roll call.

PRESIDENT NISBET: The request of Mr. Downs is that all people in this hall who have not voted are requested to vote.

MR. YEAGER: Mr. President.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: I would like to point out that there has been an implication here that a delegate abstaining must state his reasons. I would simply remind you that it says "he may voluntarily state his reasons for such abstention." It is not a requirement.

PRESIDENT NISBET: Have you all voted? The secretary will announce the vote.

MR. DOWNS: Mr. President, just one final question. Is it the ruling of the Chair that this convention then has no means of requiring a delegate to vote, even though he is in violation of rule 67?

PRESIDENT NISBET: The Chair is so informed, Mr. Downs.

MR. MAHINSKE: Mr. President.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: Mr. President, as I understand the rule, on support of 5 other members, even a delegate who announces his intention to abstain must explain his reason for abstention. He may voluntarily explain it without support, and with support he must explain it.

PRESIDENT NISBET: The Chair thinks the ruling has been made, Mr. Mahinske, that there is no way under the convention rules to force a delegate to cast his vote.

MR. MARSHALL: A parliamentary inquiry, Mr. President.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Can a delegate abstain if he hasn't announced his intention prior to the taking of the vote?

PRESIDENT NISBET: As the Chair understands the rule, Mr. Marshall, it is that the delegate, if he has not given his reasons, shall vote. The point is that there's no power to enforce that rule.

MR. MARSHALL: Mr. President, I don't have the rule before me, and I'll have to check it again, but as I understand it a delegate who does not announce his intention to abstain cannot refuse to vote, number 1. And I remember one day on this floor some months ago when I abstained without announcing, and Delegate Van Dusen demanded my vote, and the Chair ruled that I had to cast my vote, and I did. I think Delegate Van Dusen recalls that. And I did the same thing on some other delegate where I demanded his vote where he had not announced his intention to abstain. That's number 1. Now, we just don't want a double standard. We want a ruling that is going to be the ruling of the convention that is going to stand for the duration of the convention.

Number 2, if a delegate abstains, I think on the demand of 5 delegates, under the rules he has to explain his vote. I'm not going to quarrel anymore with the ruling of the Chair. But I want the ruling on both of these points clear, and I want it in the record. Now, may I have the ruling, for the record?

PRESIDENT NISBET: Are you asking for someone's vote now, Mr. Marshall, who has not voted?

MR. MARSHALL: No.

PRESIDENT NISBET: The ruling of the Chair was this: according to rule 67, no delegate shall be entitled to abstain from voting unless he has stated his reasons. The point was this: that the ruling was that the convention has no way to force a vote if the delegate does not want to give that vote. It is the Chair's understanding in this case that the delegate who should have given the vote, or could have given it, did not give it.

MR. MARSHALL: At this time, Mr. President, may I explain my vote on this issue?

PRESIDENT NISBET: Certainly.

DELEGATES: No.

MR. MARSHALL: I believe you did say that I might explain my vote, did you not, Mr. President?

PRESIDENT NISBET: Have you abstained from voting? You have voted, Mr. Marshall, haven't you?

MR. ROMNEY: Mr. President.

PRESIDENT NISBET: Mr. Romney.

MR. WALKER: Point of order.

MR. ROMNEY: Again, I would like to do what I can to facilitate the action of this convention, and—

PRESIDENT NISBET: A point of order was made. Who made that? The Chair didn't get it. Mr. Walker.

MR. WALKER: I wonder if there weren't other delegates up asking for the floor earlier, and I wonder if Mr. Romney is in order in demanding the floor.

MR. MARSHALL: Mr. President, if I can explain my vote, I think it will facilitate things.

PRESIDENT NISBET: Okay, explain it. Let's get it over.

MR. MARSHALL: I spoke against this motion in the first place, and on the vote I voted yes. After sitting down and thinking about it and talking to some of the other delegates, it became obvious to me that there were enough votes to carry this anyway. It's also obvious to me that there's mass confusion among the majority delegates on Committee Proposal 71. Therefore, I would prefer, myself, personally, to give them the 5 days, and this is the reason for switching from talking against it and voting for it. And that's why I wanted to explain it.

As a matter of fact, the question was asked of me by a couple of delegates, one from the majority party, were we seeking publicity, or did we want a sound constitution? And I want to make this emphatically clear to all: that we want as sound a constitution as we can get. But, realizing the voting strength in this convention, and if there is this mass confusion —and it's obvious to me there is mass confusion on this proposal amongst the majority delegates—I do not like these questions being settled off the floor, but I would much prefer to give them the 5 days that were asked for in the motion, and then when they come back to the floor of the convention maybe we can proceed with the rest of the business of the convention. If, after the 5 day delay, they want to come back and negate all that we have done to date, then they would have to assume that responsibility. And that's the reason for my yes vote. And I suggest that we proceed.

MR. DOWNS: Mr. President, I have a motion. I demand the regular order of business, and move that we continue with the business of the day.

The roll was called and the delegates voted as follows:

Yeas—87

Allen	Habermehl	Pollock
Andrus, Miss	Hanna, W. F.	Powell
Anspach	Hannah, J. A.	Prettie
Batchelor	Haskill	Pugsley
Beaman	Hatch	Radka
Bentley	Heideman	Richards, L. W.
Blandford	Higgs	Rood
Bonisteel	Howes	Rush
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Brown, G. E.	Hutchinson	Shaffer
Butler, Mrs.	Iverson	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Danhof	Karn	Sleder
Dehnke	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Koeze, Mrs.	Staiger

Donnelly, Miss	Kuhn	Sterrett
Doty, Dean	Lawrence	Stevens
Doty, Donald	Leibrand	Thomson
Durst	Leppien	Tubbs
Erickson	Mahinske	Turner
Everett	Marshall	Tweedie
Farnsworth	Martin	Upton
Figy	Millard	Van Dusen
Finch	Nisbet	Wanger
Gadola	Page	White
Goebel	Perras	Woolfenden
Gover	Plank	Yeager

Nays—44

Austin	Ford	McCauley
Balcer	Garvin	McGowan, Miss
Barthwell	Greene	McLogan
Binkowski	Hart, Miss	Murphy
Bledsoe	Hatcher, Mrs.	Nord
Brown, T. S.	Hodges	Rajkovich
Buback	Hood	Snyder
Cushman, Mrs.	Jones	Stopczynski
Dade	Kelsey	Suzore
Douglas	King	Walker
Downs	Krolikowski	Wilkowski
Elliott, A. G.	Lesinski	Wood
Elliott, Mrs. Daisy	Liberato	Young
Faxon	Madar	Youngblood
Follo	McAllister	

PRESIDENT NISBET: The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the motion to postpone consideration of the report of the committee of the whole on Committee Proposal 71, the yeas are 87; the nays are 44.

PRESIDENT NISBET: The report relative to **Committee Proposal 71** is postponed until Tuesday afternoon.

Explanation of vote submitted by Mr. Wanger:

Because of the excited and unwarranted statements made upon the convention floor this morning regarding the question of postponing consideration of the report of the committee of the whole relative to Committee Proposal 71 from today to the early part of next week, and because of the unfortunate impression those statements may have created regarding the convention's work, I desire to explain my vote pursuant to rule 65.

The principal reason for my vote upon this question was that the convention journal of yesterday's unusually long and involved deliberations on section i of the proposal was (due to the lateness of the night session) not available and was not to be available until the first of next week; nor was any other written copy of yesterday's action on section i available. Because of the great importance and complexity of this issue and of yesterday's deliberations, it was completely impossible this morning to vote intelligently upon yesterday's action without having a written copy of that action available.

We are now on the order of—Mr. Mahinske.

MR. MAHINSKE: Mr. President, I have a parliamentary inquiry here. I would like a ruling from the Chair if it is proper to put a vote on a preferential motion to the convention while some other party is on the floor speaking. Now, this happened yesterday when we were speaking under privilege of the house. One of the delegates got up during the time that another delegate was speaking and yelled that he wanted a recess, and the question was put, and the delegate was cut off cold. The same thing has happened this morning. The same thing has happened in the past. I just wonder if it is proper, even though the motion is preferential, to put the question on the motion while someone else is speaking at the time.

PRESIDENT NISBET: Mr. Mahinske, the other day that same matter came up, and at that time the Chair ruled that a delegate speaking on the floor should not be interrupted except for a point of personal privilege or a point of order.

MR. MAHINSKE: My question is: is it proper, even when he is interrupted, to put the question or put the vote to the preferential motion?

PRESIDENT NISBET: Well, the Chair would say he should not be recognized.

MR. MAHINSKE: Thank you.

PRESIDENT NISBET: We are now on the order of **general orders**. The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

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

CHAIRMAN HUTCHINSON: The committee will be in order. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, may I ask a question? What is the next item on general orders that we are now about to take up?

CHAIRMAN HUTCHINSON: The report of the committee on legislative organization.

MR. MARSHALL: Mr. Chairman, unfortunately, I don't believe that we are prepared at this moment to proceed with this question on legislative organization, because we had expected and spent all of our time yesterday and last night preparing to finish the work on the proposals of the committee on executive branch, and if we are compelled to proceed with it at this moment it puts us at a disadvantage. Of course, we can scurry around and get our presentation prepared, but we had not expected this—this is a spur of the moment thing that was sprung on us—and if there's any way that we could at least postpone this until Monday, or if we could recess until Monday, or recess until the morning and come back, I would greatly appreciate it.

Mr. Chairman, I'm not going to belabor this, but we did a lot of work preparing for the committee on executive branch proposals, and this is kind of an unusual twist that has been taken here where we do what was done this morning, and we certainly are not prepared, I don't think, at this time to proceed on legislative organization. I just wonder if it would be possible to work out something to give us at least ½ day to get our presentation together.

CHAIRMAN HUTCHINSON: Does the gentleman make any motion?

MR. MARSHALL: I would like to move that we postpone the discussion on legislative organization until Monday.

CHAIRMAN HUTCHINSON: The question is upon the motion of Mr. Marshall to postpone consideration and discussion of Committee Proposals 79 and 80 until Monday. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I should like to say that while it may well be that Mr. Marshall is not prepared, the committee on legislative organization has been continuously prepared to present this subject for at least 6 weeks. We have expected every day for the last week that that day or the next day we would be called upon to present this business.

The members of my committee, including Dr. Nord, the minority vice chairman of our committee, has been aware of the procedure that we propose to follow; and with your permission, sir, I should just like to say that what we intend to do is this. I would like to make the opening statement, and then we will move to Committee Proposal 79, on which there is no minority report. We will do well indeed if we get through this today. Then we will go on to Committee Proposal 80, and begin with the minority report, which Mr. Nord is ready to present, and which in any case we will not get to until Monday or Tuesday.

CHAIRMAN HUTCHINSON: The question is upon Mr. Marshall's motion. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, could I just change the motion? I would agree with Dr. Hannah that we can proceed with Committee Proposal 79, and I would like to amend the

Whereas, my mind has gotten numb from arguments so staunch,

Whereas, I need some food for thought,

Of this I must confess;

I move, Mr. President, that we do now recess. (laughter)

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

We are recessed until 1:30.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I move that further consideration of the report of the committee of the whole relative to **Committee Proposal 71** be postponed until after the convention has completed action on the report of the committee of the whole relative to Committee Proposal 80 and Exclusion Report 2046. That is the motion that I indicated this morning I would make this afternoon.

For last previous action on the report, see above, page 2013.

PRESIDENT NISBET: The question is on that motion of Delegate Hannah. Mr. Hodges.

MR. HODGES: I have a couple of questions I would like to ask Dr. Hannah.

PRESIDENT NISBET: If he cares to answer.

MR. HODGES: What is the reason for this further delay?

MR. J. A. HANNAH: This is no further delay, Mr. Hodges. When we put over 71 last Thursday, and it was put over until a time certain, this afternoon, at that point I raised the question with the president of the convention and others and indicated that it was my hope that when we begin to consider the recommendations of the committee on legislative organization, that we might proceed until the completion, and the reason for my recommendation is just that; the fear that if we now return to 71 that was before the committee of the whole for approximately 2 weeks, and we go through the usual routine of having offered from the floor all of the amendments that were defeated in committee of the whole, we are likely to extend this discussion for a long period. We have just finished listening to a 6 hour presentation by the members of the minority party, and I should very much dislike to arrive at a situation where we have to have large sections of that repeated before we can proceed with our business.

MR. HODGES: Dr. Hannah, if you will recall, this is the very reason that we objected last Thursday to the putting over of this section in the first place. I would like to ask one further question: will the time used for this delay be used to further water down the Austin amendment that has had substantial bipartisan support and, I think, had 78 votes at its last count?

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, Mr. Hodges, of course I am not in a position to answer that. Mr. Hodges knows full well what my feelings and convictions are with reference to this matter of civil rights, and anything that would result in the coming up with a proposal that was meaningless would be thoroughly distasteful to me and I would not be a party to it.

MR. HODGES: Well, Dr. Hannah, I fully appreciate your concern in this field and I don't think anyone can question it. My only concern, though, as a delegate, is that this time that you request would be used to further water down this amendment. If I can be given this assurance through yourself or through the majority party that this is not the purpose and that this time extension will not be used to further emasculate the Austin amendment, then I, for one, will go along with this request. If, though, I am to be voting on a request which would in effect allow for the emasculation of what I feel was a fine civil rights provision, which did have substantial support and 78 votes last Thursday, and which could have been settled in 10 minutes after we had gotten done but it was the desire of the majority party to caucus on this thing further—if I can be given this assurance, I will go along. If not, I don't see how I, in good conscience, nor members of my party, can go along with this request.

PRESIDENT NISBET: Dr. Hannah.

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

MR. J. A. HANNAH: Mr. President, I would like to give Mr. Hodges assurance, if it is in order, that I do not believe that what Mr. Hodges predicts might happen will happen. This is certainly not the motive that causes me to make this motion, and I give him that assurance with conviction.

PRESIDENT NISBET: The previous question has been demanded. Is that demand seconded? A sufficient number up. The question now is—

MR. MAHINSKE: Point of order, Mr. President. This is a prime example of what I directed to the Chair the other day. As I recall, Mr. Iverson right now was not recognized. He did exactly what I pointed out—

A DELEGATE: Mr. President, I think he is out of order.

PRESIDENT NISBET: Mr. Mahinske, when the Chair—

MR. MAHINSKE: I don't know that a point of order can be out of order. I would like a ruling on that.

PRESIDENT NISBET: Mr. Mahinske, when Mr. Iverson rose and addressed himself to the point, he was not recognized. The Chair had already recognized Dr. Hannah. Dr. Hannah completed his statement. Then the Chair recognized Mr. Iverson.

MR. MAHINSKE: Did Mr. Hannah have the floor? Had he yielded the floor at that time?

PRESIDENT NISBET: He didn't need the floor. He had completed his statement.

MR. MAHINSKE: This is your ruling?

PRESIDENT NISBET: That is right. The question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails. The question now is on the motion of Dr. Hannah.

DELEGATES: Division.

PRESIDENT NISBET: A division—

MR. VAN DUSEN: The question was: shall the previous question be put?

PRESIDENT NISBET: A division has been demanded. Is that demand seconded? A sufficient number up. Those in favor—

MR. MADAR: Mr. President, I would like to request the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Not a sufficient number up.

Mr. Brown.

MR. T. S. BROWN: Mr. President, I have a parliamentary inquiry. Is it possible at this time to entertain a motion to divide the question?

PRESIDENT NISBET: The only question, Mr. Brown, is: shall the previous question be put? The Chair doesn't know how you are going to divide that one. (laughter)

MR. T. S. BROWN: All right. I will make that motion in a minute, then.

PRESIDENT NISBET: The question is: shall the previous question be put? Those in favor of the putting of the previous question will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the vote on ordering the previous question, the yeas are 82; the nays are 30.

PRESIDENT NISBET: The motion prevails, the previous question is ordered. The question now is on the motion of Dr. Hannah—

MR. MARSHALL: Mr. President.

PRESIDENT NISBET: Just a minute. The question now is on the motion of Dr. Hannah that consideration of the report of the committee of the whole relative to Committee Proposal

71 be postponed until the completion of legislative organization. Mr. Brown is recognized.

MR. T. S. BROWN: Mr. President, is a motion to divide the question now in order?

PRESIDENT NISBET: What can you divide, Mr. Brown?

MR. T. S. BROWN: I would like to move that that portion of the report on 71 concerning the civil rights commission be separated and voted on separately.

PRESIDENT NISBET: That is not in order, Mr. Brown. Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to announce my intention to abstain from voting on this question, and I would like at this time to have the privilege of explaining my abstention.

PRESIDENT NISBET: You may.

MR. MARSHALL: As vice chairman of the committee on executive branch, the rules have been changed on several occasions postponing, tabling, delaying proposals that were before the convention without consulting with the minority vice chairman on the committee.

I think that the display here a moment ago of Mr. Iverson's is evidence of the contempt with which the majority holds the opinions of the minority, the obvious attempt to move the previous question in order to avoid hearing the position or the opinions of the minority. This was tabled. Another reason that I am abstaining is that to my knowledge, this is the only committee—and I am talking about the committee on executive branch—that had proceeded throughout all of its debate and deliberations in the committee of the whole and was ready to rise and to proceed in the convention to dispose of the committee on executive branch; because of some obvious problems within the majority, this was tabled until today. Now we are going to have a further postponement of the discussion.

I am the one that argued in the beginning that we should have taken apportionment up early in the convention and disposed of it, as so many of the other issues were directly related to that of apportionment. I do resent—and I cannot vote on this—the move that was made a moment ago on the part of the leader of the Republican caucus to not hear the minority viewpoint. Of course, this has been evident throughout the convention that this has been the case, and I could not in good conscience vote on this issue because I am not in accord with it. I do not think that the majority has been fair. On occasions here the rules have been changed from time to time as it suits the fancy of the leaders of the Republican caucus. I am not so sure that it wouldn't be wise if we might recess for 2 weeks, let the Republican caucus decide what the constitution is going to be, and call us back to vote on it.

PRESIDENT NISBET: The question is on the motion of Dr. Hannah to postpone consideration of the report of the committee of the whole regarding Committee Proposal 71. Those in favor will vote aye. Those opposed, no.

The motion prevails. The report of the committee of the whole on **Committee Proposal 71** is postponed until after the report on Committee Proposal 80 and Exclusion Report 2046 by the committee of the whole.

The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

[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 Chair recognizes the chairman of the committee on legislative organizaiton. Dr. Hannah, on **Committee Proposal 80.**

MR. J. A. HANNAH: Mr. Chairman, it is my understanding that we now have before us for consideration the minority plan that has been presented at some length, and before I urge the committee not approve the minority report amendment, I should like the privilege of calling upon the vice chairman of the committee on legislative organization, Judge Dehnke, to make some comments with reference to the supreme court decision of last week that has already been referred to several times as we were considering this matter.

MR. PELLOW: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Pellow.

MR. PELLOW: The question that I have to ask is this: is it not proper now to ask questions of the minority rather than yield to the vice chairman?

CHAIRMAN HUTCHINSON: The parliamentary situation as the Chair understands it is that the question is upon the minority report amendment. Dr. Hannah, the Chair understands, has completed his statement and he has suggested that Judge Dehnke be next recognized, and the Chair is prepared to recognize Judge Dehnke. After Judge Dehnke completes his debate—and this is the debate upon the minority report amendment—the Chair will then recognize Mr. Blandford. The Chair will then recognize Mr. Yeager, and then anyone else who desires recognition. But that is the list as it now stands. It is not the Chair's understanding that Dr. Hannah is assuming to control the floor. Is that correct, Dr. Hannah?

MR. J. A. HANNAH: That is correct. I would like the opportunity at some stage, and I do not care whether it is before the gentlemen you have mentioned; it may be desirable to put me on the list next. I have some comments to make with reference to the minority report amendment, but it makes no particular difference when I do it.

MR. DOWNS: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: I certainly look forward to hearing Judge Dehnke's comments on the case that is before us. I take it from your ruling then that any of us who wish to make comments on his comments would get in the order and it might mean there had been several speakers intervening, and it is not the intent then to have the discussion confined to the subject matter of Judge Dehnke's comments? I am just asking for information.

CHAIRMAN HUTCHINSON: You are correct, Mr. Downs. There is no intent to confine the discussion to one phase. The question before the committee is the adoption of the minority report amendment, so anything having to do with the minority report amendment would be in order. The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, if anyone is apprehensive that I intend to use the entire afternoon reviewing some 150 pages of judicial opinion, I would like to disabuse him now. This is one of those opinions which I think can be summarized for our present purposes in very short order. The question that we are all interested in is: what did the court hold and what did it not hold?

I refer first to page 11 of the controlling opinion written by Justice Brennan, in which he makes this summary of what he holds:

> In light of the district court's treatment of the case, we hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) because appellees raise the issue before this court, that the appellants have standing to challenge the Tennessee apportionment statutes.

The rest of his 50 pages of opinion are devoted to a discussion of earlier cases and to explain that they do not stand in the way of this finding that the court makes.

I proceed next to the opinion of Mr. Justice Douglas, who on page 4 of his opinion uses this language:

> There is a third barrier to a state's freedom in prescribing qualifications of voters and that is the equal protection clause of the fourteenth amendment, the provision invoked here. And so the question is, may a state weight the vote of one county or one district more heavily than it weights the vote in another?
>
> The traditional test under the equal protection clause has been whether a state has made "an invidious dis-

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 or more representatives shall be divided into single member representative districts as follows:

(1) The ratio of representation for each representative district shall be determined by dividing the population of the representative area by the number of seats to which it is entitled. Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.

(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. c. In counties having more than one representative or senatorial district, the territory annexed or merged to a municipality shall become a part of the contiguous representative or senatorial district of the municipality with which it is combined, upon the effective date of the annexation or merger: Provided however, The foregoing shall not apply to any annexation or merger across county lines.

No legislator shall be deemed to have vacated his office by virtue of the above section.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4; reports this back to the convention without amendment with a recommendation that it do pass.

PRESIDENT NISBET: The report of the committee of the whole is accepted and **Exclusion Report 2046** is referred to the committee on style and drafting.

For Exclusion Report 2046 as referred to the committee on style and drafting, see above, page 2178.

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

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the postponement order of April 3, the report of the committee of the whole relative to **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. The committee proposal was reported from the committee of the whole with several amendments with the recommendation that the amendments be adopted and the proposal, as thus amended, do pass. The report was postponed until the conclusion of the reports on the committee on legislative organization from the committee of the whole.

For last previous action on the report, see above, page 2075.

PRESIDENT NISBET: The question is on concurring in the amendments adopted by the committee of the whole. The secretary will read.

SECRETARY CHASE: Amendment 1.

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Amendment 2:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 3:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, I move that the convention do not concur in this amendment.

PRESIDENT NISBET: Mr. Wanger, those who are opposed to the amendment will vote no. Those who are in favor will vote aye.

MR. WANGER: Mr. President, speaking to this amendment — which was adopted, as I recall, by a narrow majority of the committee during a prolonged session — in examining this language, which is on page 844 of your journal, you can see that it is primarily legislative in nature. It was supported by people who, by their own admission, were concerned with one particular profession and I suggest did not make a sufficiently detailed analysis or case even on the basis of that profession alone for including such a restriction in our constitution.

As the business of the people of the state of Michigan becomes more specialized in this modern age and as the number of recognized professions in the state becomes larger, it is going to become increasingly more important to give the legislature complete latitude with regard to the subject of licensing those professions which it is determined by policy of the state should be licensed. I suggest that putting such a provision into the constitution will impede the legislature in effectively or most effectively carrying out that policy, and, therefore, I urge you not to support this particular amendment.

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will vote aye. Opposed will vote no. The Chair is in doubt. Mr. Stevens.

MR. STEVENS: May I have the amendment read again, please?

PRESIDENT NISBET: The convention will be in order. The secretary will read the amendment.

SECRETARY CHASE: This is amendment 3.

[The amendment was again read by the secretary. For text, see above, page 2009.]

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

MR. KUHN: Mr. President, in order to save time I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? A sufficient number up. The yeas and nays have been demanded. 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 — 78

Allen	Finch	McAllister
Andrus, Miss	Follo	Murphy
Austin	Ford	Nisbet
Balcer	Goebel	Page
Barthwell	Gover	Perlich
Batchelor	Greene	Powell
Beaman	Hanna, W. F.	Prettie
Bentley	Hannah, J. A.	Pugsley
Blandford	Hart, Miss	Radka

Bledsoe	Haskill	Romney
Bonisteel	Hatcher, Mrs.	Rush
Boothby	Hood	Shackleton
Brake	Howes	Shaffer
Buback	Hoxie	Shanahan
Conklin, Mrs.	Hubbs	Sharpe
Dade	Hutchinson	Snyder
Dell	Iverson	Stafseth
Donnelly, Miss	Jones	Sterrett
Doty, Dean	Kelsey	Stopczynski
Doty, Donald	King	Suzore
Douglas	Kirk, S.	Thomson
Downs	Leibrand	Walker
Elliott, Mrs. Daisy	Leppien	White
Farnsworth	Lesinski	Wilkowski
Faxon	Madar	Young
Figy	Marshall	Youngblood

Nays — 44

Binkowski	Judd, Mrs.	Sablich
Cudlip	Karn	Seyferth
Cushman, Mrs.	Kuhn	Sleder
Danhof	Lawrence	Spitler
Dehnke	Martin	Staiger
Durst	McCauley	Stamm
Elliott, A. G.	McGowan, Miss	Stevens
Erickson	McLogan	Tubbs
Everett	Millard	Turner
Gust	Norris	Tweedie
Habermehl	Perras	Upton
Hatch	Plank	Van Dusen
Heideman	Pollock	Wanger
Higgs	Rajkovich	Yeager
Hodges	Richards, J. B.	

SECRETARY CHASE: On the question of concurring in the committee amendment to page 2, line 17, the yeas are 78; the nays are 44.

PRESIDENT NISBET: The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Amendment 4:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 5:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 6:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 7:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: And amendment 8:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will vote aye. Those opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 9:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 10:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is on concurring in the amendment. The Chair recognizes Mr. Faxon.

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

PRESIDENT NISBET: Is the demand seconded? Sufficient number up. Mr. Downs.

MR. DOWNS: Is it in order to speak on the proposed amendment at this point?

PRESIDENT NISBET: It is.

MR. DOWNS: Mr. President, I urge that we do not concur in the amendment. This would create a constitutional highway commission which would dilute responsibility. In the committee of the whole I believe I was unusually silent on this question and would very briefly like to state the objections.

At the present time we have a highway system that has proved to be better than satisfactory, as far as the users of the highways are concerned. The legislature can change this now, if there is sufficient desire for this. The proposal we have before us would create another commission. It does not mean the governor would have the responsibility of appointing the highway commission. It would dilute the authority.

I say to those who favor an elected highway commissioner — of which I am one — this does not meet the standard of election. And to those who favor the governor appointing the highway commissioner, I say that this does not meet their demands because the governor would not appoint the highway commissioner, but rather a 4 man board and there would be a constant question as to who was the administrator, who had charge of policy, and whether deciding where a road went was a question of administration or policy. It is a built in booby trap against an efficient, productive highway system that we now have. I urge that we vote no on this and maintain our present system.

PRESIDENT NISBET: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, Delegate Downs covered most of what I would have said. I gave all of the arguments that I could think of in committee of the whole. I stated then and I reiterate now that this is the most — without a doubt — the most ridiculous proposal that has been before this convention. I cannot urge too strongly the defeat of this amendment.

How you are going to take the highway system out of politics by appointing a 4 man commission which would be at odds with each other constantly, would be haggling among themselves, would have pressure applied to the highway director to build roads in certain sections of the state, depending upon who had the most political pressure? We also, inasmuch as the commission is appointed by the governor, would have tremendous pressure to trade roads for other items. I do not understand how this came about, other than I do know that it was part of the package deal that was worked out between 2 of the prominent delegates to this convention. This may satisfy the ego of a governor or a would be governor, but I don't think we are here to try and satisfy the eccentricities of governors or would be governors. You should give this serious thought, because I think that if this

tion or by law would remain as they are. All new commissions which might be created by the legislature would provide that their commissioners would hold office for 4 year terms. I see nothing here that would prevent the governor from reappointing them to another 4 year term, if he so desires.

MR. MADAR: You don't mean, then, that he would not be able to reappoint.

MR. DURST: I do not believe the amendment has that intention whatsoever.

MR. MADAR: As long as we get it on the record, that is all I wanted to get. Then, to go on, I like this idea of people coming out and showing colors. I have been castigated on several occasions because I have thrown aspersions on certain people, one party; no one has liked it. I can understand that. However, when they are deserved, I don't believe that anyone should complain, and as long as they are true, they shouldn't complain. I have heard quite a few aspersions cast this morning, and on this particular question. I didn't hear anybody casting any aspersions on any delegate here, though, whose name was in the paper not too long ago about advice given while that gentleman held office. We all were very, very gentlemanly and kept still about it, but I couldn't any longer because I notice that they started throwing aspersions on people in office, and with that I'll just keep still from here on in on this question. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Walker.

MR. WALKER: Mr. President—

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Preferential motion.

PRESIDENT NISBET: The Chair has recognized Mr. Walker, Mr. Martin, and under the ruling he is entitled to make his statement, and then the Chair will recognize you.

MR. WALKER: I am forced to agree with Mr. Brake that things surely must have been bad and real rough and corrupt in the old days, and I am most gratified to see that they have been cleaned up substantially, in fact entirely to the best of my knowledge in the last 14 years. This amendment therefore appears to me to be a matter of locking the doors after the horse has been stolen and considered unnecessary.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, I think we have heard all of the arguments on this and I can only confirm what Mr. Brake has said. I move the previous question.

PRESIDENT NISBET: Is there support? There is support.

MR. DOWNS: I have a preferential motion, Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I move that additional debate be limited to 30 minutes with 15 minutes each, for and against.

PRESIDENT NISBET: On the motion of Mr. Downs that debate on this be limited to 30 minutes, 15 for and 15 against, those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor of the motion will vote aye—

MR. DOWNS: Mr. President, I have another preferential motion. I move that the debate be limited to 10 minutes, with 5 minutes on each side.

PRESIDENT NISBET: Do you withdraw the first motion?

MR. DOWNS: Yes, I withdraw my first motion.

PRESIDENT NISBET: The question now is on the motion of Mr. Downs that debate be limited to 10 minutes, 5 for and 5 against. Those in favor will vote aye. Those opposed, no. The motion prevails. Mr. Gust.

MR. GUST: Mr. President, I have a preferential motion. I would like to move that the debate on Committee Proposal 71 be cut off at noon.

MR. DOWNS: Point of order, Mr. President. Did I get a ruling on my motion?

PRESIDENT NISBET: Just a moment. Mr. Gust, your motion is not in order at this time. At the conclusion of debate under Mr. Downs' motion, we will consider yours.

MR. GUST: Excuse me. I thought the results of Mr. Downs' motion had been announced.

PRESIDENT NISBET: The debate will continue on this for 10 minutes, until 11:23. Mr. Chase has a stop watch. Five minutes for proponents of it, 5 minutes against it. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I rise to oppose the amendment. I am also alarmed at this haste to cut off debate because there are some amendments here that are related to 71 that are new amendments.

This amendment before us would weaken the governor. We have heard a lot of talk about a strong governor in this convention. I think the talk about a strong governor has been only for the ears of the people and you have not carried out the intent in this convention. This would permit department heads and commission heads to thwart the will of the governor, to go in opposite directions. It certainly would not be in the interest of good government, and it would not strengthen the governor. And there is reason, also, on some of these commissions, that they should have terms, particularly on mental health, as an example, of longer than 4 years, and I oppose the amendment.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I demand the yeas and nays on the amendment, and speak in opposition to it.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. Mr. Downs.

MR. DOWNS: This amendment, as Mr. Marshall said, would weaken the governor. If we want a governor who is responsible for administration, he should at least have something to say about the chief executive officer of the department that is to do his administration. I, therefore, urge the defeat of the amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the amendment that is offered here recognizes the fact that the governor has a considerable authority over the boards and commissions by virtue of the fact that he has an appointive power with respect to those boards and commissions. In view of the fact that his term is being extended so that he will have authority to appoint, in most cases, a majority of the members of these boards and commissions during the course of his term, it is felt that this gives the governor a direct influence with respect to those boards which is adequate, and that therefore the executive director need not be subject to approval by the governor.

Now, the second portion of this relates to the fact that it is not desirable to have these terms extended further. If they are extended further, it works in the opposite direction. It takes away from the governor some influence that he may have in the appointment of the boards and commissions. So this is a balancing amendment. The amendment as it stands, therefore, will not weaken the responsibility or the authority of the governor, particularly if terms are not extended beyond their present length in the case of existing boards and commissions, and not extended further beyond 4 years, in the case of those which are created in the future.

PRESIDENT NISBET: The question is on the amendment. The yeas and nays have been demanded and ordered. Those in favor of the amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—74

Allen	Gadola	Plank
Andrus, Miss	Goebel	Powell
Anspach	Gover	Prettie
Balcer	Gust	Pugsley
Batchelor	Hanna, W. F.	Radka
Beaman	Haskill	Richards, J. B.
Blandford	Hatch	Romney
Bonisteel	Howes	Rood
Brake	Hoxie	Rush
Brown, G. E.	Hubbs	Seyferth
Conklin, Mrs.	Hutchinson	Shackleton
Cudlip	Iverson	Shaffer

Danhof	Judd, Mrs.	Shanahan
Dehnke	Karn	Sharpe
Dell	King	Sleder
Donnelly, Miss	Kirk, S.	Spitler
Doty, Dean	Knirk, B.	Stafseth
Doty, Donald	Koeze, Mrs.	Staiger
Durst	Kuhn	Thomson
Elliott, A. G.	Leibrand	Tubbs
Erickson	Martin	Turner
Everett	McAllister	Upton
Farnsworth	McLogan	Van Dusen
Figy	Nisbet	White
Finch	Page	

Nays—41

Austin	Hatcher, Mrs.	Perras
Binkowski	Hodges	Pollock
Bledsoe	Hood	Snyder
Buback	Jones	Sterrett
Dade	Lawrence	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Walker
Elliott, Mrs. Daisy	Madar	Wanger
Faxon	Mahinske	Wilkowski
Follo	Marshall	Wood
Ford	McCauley	Woolfenden
Garvin	McGowan, Miss	Young
Greene	Murphy	Youngblood
Hart, Miss	Nord	

SECRETARY CHASE: On the amendment offered by Messrs. Durst, Hatch, and Brake, the yeas are 74; the nays are 41.

PRESIDENT NISBET: The amendment is adopted. Mr. Gust.

MR. GUST: Mr. President, am I in order now to make a preferential motion, since the last preferential motion had only to do with the amendment then before the convention? I would like to move that debate on Committee Proposal 71 and all pending amendments thereto, terminate promptly at noon today. I would like to say in support of this motion that all of the amendments that are on the secretary's desk have been debated at length in committee of the whole. Everybody in this room knows exactly where they stand on them and it shouldn't take more than the remaining 40 minutes to vote on these pending amendments.

PRESIDENT NISBET: The question is on the motion of Mr. Gust. Mr. Marshall.

MR. MARSHALL: Mr. President, I don't know that all of the amendments that are on the desk of the secretary were offered and debated in committee of the whole. I don't know. Maybe Delegate Gust has some information that I don't have. I think it has been obvious that we have not today tried to delay this, nor have we made long winded talks on getting these recorded roll call votes. I have told many of the delegates in this convention I did not intend to do that, that I had had my say in committee of the whole, but I oppose this move to cut off debate not knowing—because I don't intend to spend time and I have not spent time this morning on those things that we debated in committee of the whole, but if there are amendments on the secretary's desk that were not offered in committee of the whole and that we did not have time to debate, then I think it is ill advised to move to cut off debate at this point at a given time, and I would like Delegate Gust to consider that.

MR. GUST: I have considered it, Mr. Marshall. I do disagree with you, in all sincerity. But I would like to raise a point of order, Mr. President. Is this preferential motion debatable?

PRESIDENT NISBET: The Chair thinks it is because you have set a definite time.

MR. MARSHALL: May I ask Delegate Gust a question?

PRESIDENT NISBET: Yes.

MR. MARSHALL: Is it your intention, Delegate Gust, to decide these decisions in the Republican caucus, bring them on the floor of this convention and deny the minority delegation here an opportunity to discuss them on the floor of this convention?

MR. GUST: Mr. Marshall, you are one of the most astute politicians in this room, and you know, very well, that that isn't the case and I have no such intention.

PRESIDENT NISBET: The Chair recognizes—pardon me, Mr. Marshall. Are you finished?

MR. MARSHALL: For the moment.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: I wonder if we could have this understanding: I have looked over all the amendments that I know of which are pending, copies of which have been sent to me from the secretary's desk, and as far as I can see, they are all amendments which I believe the committee would oppose. I would suggest, perhaps, that if Mr. Gust would withdraw his motion, we may be able to dispose of these—I believe we can—by 12:00 o'clock. If not, I would make such a motion at 12:00 o'clock, that at that point we simply vote on them without further debate.

PRESIDENT NISBET: Mr. Gust.

MR. GUST: With the understanding of my committee chairman that he will do that at noon, I will withdraw my motion.

PRESIDENT NISBET: The motion is withdrawn. The secretary will read the next amendment. Mr. Marshall.

MR. MARSHALL: Mr. President, I just want to make one point that I have made before, repeatedly, and I hope that I don't have to make it any more: if our distinguished and esteemed delegate from Grand Rapids, my fellow Rhodes scholar—you know, I happen to be a "Rhodes scholar," too, only it is spelled r-o-a-d-s, I drove a bus on all the roads in Michigan—but anyway, when he is referring to the committee, I would ask him to say, "The majority members of the committee." Thank you.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Mr. Hodges offers the following amendment:

1. Amend page 1, line 10, after "Sec. a.", by striking out the first paragraph; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,"; and after section g, by striking out all of section h.

PRESIDENT NISBET: The Chair recognizes Mr. Hodges.

MR. HODGES: Mr. President, the intent and purpose of this, of course, is to give you an all appointed administrative board with the sole responsibility to the governor to select his administrative board and to replace them at his pleasure.

MR. MARTIN: Point of order, Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The amendment with respect to section h, I think, is out of order. We have already voted on that, both in committee of the whole and subsequently. I believe that is out of order.

PRESIDENT NISBET: Your point of order is well taken on section h. Mr. Hodges may continue on the part of his amendment which reads as follows:

1. Amend page 1, line 10, after "Sec. a.", by striking out the first paragraph; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,".

MR. MARSHALL: May I make a parliamentary inquiry?

PRESIDENT NISBET: You may, Mr. Marshall.

MR. MARSHALL: Delegate Martin stated that he had a copy of all the amendments to Committee Proposal 71. Do you think it would be asking too much if the distinguished and esteemed second vice chairman of the committee could have a copy also?

MR. MARTIN: Mr. President, I will share my copies with Mr. Marshall. They are available.

PRESIDENT NISBET: Thank you. Mr. Hodges, you may proceed.

MR. HODGES: I would like, as a point of clarification, Mr. President—I offer this not as a series of amendments, but as an overall proposition and it would seem that, in light of the other parts of the amendment, that it would be, in my estimation, in order.

PRESIDENT NISBET: The first 2 parts of your amendment are in order. The third part is not in order. Would you please proceed on the other 2?

MR. HODGES: Mr. President and fellow delegates, I came here with the conviction that the state administrative board officials—the treasurer, the secretary of state, the highway commissioner and so on—should be elected by the people, and that gave authority to the governor, through the party convention, to select his body and do the kind of job that we think should be done. However, there have been many arguments made and many groups dedicated to the appointment of the state ad board.

I did not personally agree with this, but it seems to me if I have to choose between an elected ad board and the type of Rube Goldberg situation that we have at the present time, that I would prefer an appointive ad board which would give authority to the governor, which would make it plain that he is the sole executive, and therefore, I submit that those of you who came here committed to an all appointive ad board can join with those of us who, in our hearts, do not feel that this is the best situation, but at least it is an improvement over that which has been offered thus far.

PRESIDENT NISBET: Mr. Gust.

MR. GUST: May I ask a question of Delegate Hodges?

PRESIDENT NISBET: If Mr. Hodges cares to answer.

MR. GUST: I have been looking at your proposed amendments, Mr. Hodges, and although I see what you have done with reference to the language concerning advice and consent of the senate, I am at a loss to know how inclusion of both of your amendments would result in an all appointive administrative board, as you stated in your argument.

MR. HODGES: Mr. Gust, I will have to check it. If, mechanically, I have somewhat slipped, I apologize. My purpose and my intent for this series of amendments is to make an all appointive ad board without advice and consent.

MR. GUST: I thought that was your intention, and I would like you to know that as a proponent of the original Committee Proposal 71, although again I am uneasy with the company I may have, I am going to support you on it, but I can't do it if you think these 2 amendments will do it, because I don't think they will.

MR. HODGES: I don't know if you are right, Mr. Gust. I don't want to delay the floor debate by trying to correct it on the floor. Is it something that can very easily be corrected? I would be glad to—

MR. GUST: Unfortunately, I don't think it can easily be corrected, if the Chair please, because I think you are going to have to make a series of amendments throughout the proposal, because in the form that it came out of committee of the whole, I think that it would need several other amendments other than these.

MR. HODGES: Well, Mr. President, Mr. Gust, I am somewhat at a loss at this point. It was somewhat my estimation that these 2 amendments, plus the one that was called temporarily out of order, that this would give us an all appointive ad board. Now, I will go on that assumption unless you point out somewhere where there is something missing, and I will stand corrected, and I will be happy to make any other change that is necessary to arrive at the desired result.

MR. GUST: Mr. President, Mr. Hodges, just to start off with, the first thing which confused me—and I was trying to do this while conferring with Dr. Pollock, and looking at some notes in front of me, but let me ask you the first inquiry: it looks to me like you have abolished the office of governor, to start off with, in your amendment. That may be an improvement, I don't know. (laughter)

MR. HODGES: Mr. President, I see what has been done, I think. This may improve it. I think there was a change from what I sent up to what was typed out. I wonder, would this help, if I withdrew the first part of the amendment and change it to amend page 1, line 10, after "governor," by inserting "and the," and after "lieutenant governor" by striking out "secretary of state, and attorney general?"

MR. GUST: That would appear to be getting "on the road to Mandalay."

MR. HODGES: I would move that revision.

PRESIDENT NISBET: Mr. Hodges revises his amendment. Mr. Chase.

SECRETARY CHASE: Mr. Hodges, on the suggestion of Mr. Gust, revises the amendment to read as follows:

1. Amend page 1, line 10, after "governor" by inserting "and the" and after "lieutenant governor" by striking out "secretary of state, and attorney general"; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,".

PRESIDENT NISBET: The Chair recognizes Mr. McCauley.

MR. McCAULEY: Mr. President and fellow delegates, I would just like to speak briefly on this. It has been my feeling during this convention, and I think if you would look at the votes on these various proposals, I was not in favor of an elected ad board, as proposed by the majority of the minority group, nor was I in favor of the method whereby the majority of the committee reported this out.

It has been my feeling for a long time that, actually, state problems are closely akin to what we in city work have experienced. I felt in order to have a strong chief executive, you certainly should have a strong team with you. I can see no need or no necessity for having a check and balance, and that is what it amounts to, when you have some of these people elected in the executive branch of government. I am in favor of a strong governor. I am in favor of him appointing his team without the advice and consent of any body. I think there are sufficient safeguards in this field whereby the judicial article covered it. If there is misfeasance or malfeasance in office, I think that the people that are responsible for those acts certainly can be turned out of office.

I would like to point to the governor's Citizens Advisory Committee Report, which reads as follows:

> The committee recommends that the other administrative officials, other than the governor and lieutenant governor, who are presently chosen by election, be selected by other means. In the case of the secretary of state, attorney general, state treasurer, superintendent of public instruction, highway commissioner, and all other department heads, the committee favors appointment by the governor, without the consent of the senate, and service at the governor's pleasure.

I think that this appointing power vested in the governor will give us a strong executive, and give us somebody that can give us suitable leadership in the state of Michigan. The minute you cut into his powers, you are actually cutting into the people's rights, because you have nobody that is directly responsible for a strong, efficient executive organization in the state of Michigan.

PRESIDENT NISBET: The Chair recognizes Mr. Ford.

MR. FORD: Mr. President, I should like the Chair to admonish the delegates to examine rule 22, and adhere to it, if they can. For the second time I heard a delegate refer to the method that this convention has arrived at for the selection of an ad board as a Rube Goldberg type of contraption. Now, as a person who followed Rube Goldberg, during his lifetime, as an avid reader, I submit that he was famous for devising the most unwieldy and totally unacceptable—from all principles of physics—machines, but he had one thing that our plan doesn't have, and he had this consistently, and it was a characteristic of all Rube Goldberg machines; they worked. They didn't work well, but they worked. We have no assurance that the plan for the ad board proposed by this convention at this point, is going to work and, in behalf of Rube Goldberg, I caution the delegates to leave him out of it. He would not accept responsibility for the mess we are making out of the ad board.

PRESIDENT NISBET: The question is on the amendment of Mr. Hodges. The secretary will read.

SECRETARY CHASE: Mr. Hodges' amendment, as revised:

[The amendment was again read by the secretary. For text, see above, page 2208.]

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The majority of the committee opposes this amendment. We hope you will vote no on it.

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

The amendment is not adopted.

A DELEGATE: Division.

PRESIDENT NISBET: Division has been demanded. Is that demand seconded?

MR. HODGES: I request the yeas and nays.

PRESIDENT NISBET: And the yeas and nays have been demanded. Is that demand seconded? Sufficient number up.

MR. McLOGAN: Mr. President, am I allowed to speak on this?

PRESIDENT NISBET: Yes, you may, Mr. McLogan.

MR. McLOGAN: This is a position, this amendment shown here on the board, which a considerable number of delegates once espoused, some with and some without advice and consent of the senate. A very honest effort was made to achieve bipartisan support for this on which we feel very strongly. I believe, however, that the amendment is now politically motivated, and at this late date, despite my previous feelings in the matter, I am unable to support it.

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote nay. We are voting on the amendment offered by Mr. Hodges. Those in favor will vote aye. Those opposed will vote nay. Mr. King.

MR. KING: Mr. President, I wish to abstain and state my reasons after the vote is announced.

MR. ROMNEY: Mr. President, I would like to be able to file in writing a statement for my vote.

PRESIDENT NISBET: You may do that.

MR. HODGES: Mr. President, I hesitate to rise again when the vote is being taken but, as the sponsor of this amendment, because of Mr. McLogan's remarks, I think maybe some clarification on my point should be made.

PRESIDENT NISBET: You are out of order. The vote has been started, Mr. Hodges. Have you all voted? If so, the secretary will lock the machine and the vote will be recorded.

MR. MARSHALL: Mr. President, I rise to a point of privilege of the convention.

PRESIDENT NISBET: Without objection—

MR. MARSHALL: On this amendment that was offered with my name on it, I want to make it clear to the convention that my name was not supposed to be on the amendment. I just had a few words with Delegate Romney, wherein my motives were questioned on this amendment. And for the record, and there are at least 2 or 3 people that can substantiate this, when Delegates Hodges first talked to me about this amendment, I told him that I did not care—he had it typed up and had my name on it—to cosponsor the amendment, that I favored the election of the state officials. I am still unalterably opposed—I am still unalterably in favor of the election of the state officials.

I did say to Delegate Hodges and to Delegate McCauley and others, that if I failed and could not succeed in retaining the elected officials, that if I could not succeed in that, in the absence of that, I felt appointment by the governor without the advice and consent of the senate would be preferred over the system that the committee proposal adopted. I would, under no circumstances—and I also told Delegate Hodges and others—support the appointment of the officials, if the advice and consent of the senate was left in. I think it is unfortunate that my name remained on the amendment. I think it is also unfortunate that Delegate Romney and I had the words that we had, but I want it for the record and I want it for Delegate Romney, that I did not cosponsor this amendment that is before the floor.

In closing, let me say again that I still favor, and have favored the election of the state officials. I would prefer this, though, in the absence of being able to elect them. But I did not cosponsor this, and therefore I can probably see where Delegate Romney arrived at his charges, but I want it clear that I was not a cosponsor of this amendment, and Delegate Hodges can so verify it.

PRESIDENT NISBET: Mr. Marshall, your name will be taken from the amendment. [Correction made above, page 2207.] Mr. Higgs.

MR. HIGGS: I have no objection to the statement that Mr. Marshall made, except I would not want it entered in the record as a privilege of the convention.

The roll was called and the delegates voted as follows:

Yeas—29

Brown, G. E.	Gust	Murphy
Conklin, Mrs.	Hodges	Nord
Cushman, Mrs.	Kelsey	Pollock
Douglas	Kuhn	Sterrett
Durst	Lesinski	Stopczynski
Elliott, Mrs. Daisy	Liberato	Suzore
Follo	Mahinske	Walker
Ford	Marshall	Young
Garvin	McCauley	Youngblood
Greene	McGowan, Miss	

Nays—81

Allen	Hart, Miss	Plank
Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettie
Balcer	Hatcher, Mrs.	Pugsley
Batchelor	Higgs	Radka
Beaman	Hood	Romney
Blandford	Howes	Rood
Bonisteel	Hoxie	Rush
Buback	Hubbs	Seyferth
Danhof	Hutchinson	Shackleton
Dehnke	Iverson	Shaffer
Dell	Jones	Shanahan
Donnelly, Miss	Judd, Mrs.	Sharpe
Doty, Donald	Karn	Sleder
Downs	Kirk, S.	Snyder
Elliott, A. G.	Knirk, B.	Spitler
Erickson	Koeze, Mrs.	Stafseth
Everett	Lawrence	Staiger
Farnsworth	Leibrand	Tubbs
Figy	Leppien	Turner
Finch	Madar	Upton
Gadola	Martin	Van Dusen
Goebel	McAllister	Wanger
Gover	McLogan	White
Habermehl	Nisbet	Wilkowski
Hanna, W. F.	Page	Wood
Hannah, J. A.	Perras	Woolfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hodges, the yeas are 29; the nays are 81.

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

MR. KING: Mr. President, I abstained from the last vote with the understanding that I would have an opportunity to explain my reasons for abstention at this time, and in order to conserve the taxpayer's money and the size of the verbatim record, for those historians interested, I would refer for a reason as to why I am abstaining to the remarks of the distinguished delegate from Genesee, Mr. McLogan, which can be found just a few words back. Thank you.

Following is explanation of vote submitted by Mr. Marshall:

In explaining my yes vote on the Hodges amendment, I accept the explanation of Delegate Hodges in explaining the support of his amendment to have the state administrative board appointed by the governor, without advice and consent of the state senate.

Following is explanation of vote submitted by Mr. Hodges:

I take this opportunity to explain my submission and support of my amendment to have the state administrative board appointed by the governor without advice and consent of the state senate.

It has long been, and still remains my position, that our present system of electing our state administrative board in a statewide election is vastly superior to their appointment by the governor. In my opinion, the election of these officials brings them closer to the citizens whom they serve.

It has also been my observation from years of political participation that the governor has a strong voice in who is to be selected at party conventions to run with him on the statewide ticket.

The history of the present elective system has proven with few exceptions to be beneficial and satisfactory to the people of the state.

However, when given the choice between an all appointive ad board without advice and consent of the state senate, and the abortive method of allowing for 5 separate ways of selecting 8 administrative board officials, I find that reason, clarity, and consistency dictate the former.

I would be derelict in my duty in not opposing this part of the Republican caucus "package deal" which no delegate publicly advocated before this convention convened and which no delegate has yet admitted is the best way to select state administrative officials.

I offered this amendment when it was patently clear that there was no longer any opportunity to save the people's franchise in the election of the members of the state ad board.

It is for this reason and no other, that I offered this amendment in good faith and in all sincerity.

Following is explanation of vote submitted by Mr. Romney:

This is the explanation of my no vote on the Hodges amendment to the executive article during this morning's session.

I voted against the amendment for the reasons stated by Delegate McLogan. The amendment, in my opinion, represented the use of political subterfuge.

PRESIDENT NISBET: Are there other amendments? Mr. Wanger.

MR. WANGER: Mr. President, I believe that I have an amendment on the secretary's desk. If the copy which I gave is not clear, I have additional copies.

PRESIDENT NISBET: Will you bring the amendment up, please, Mr. Wanger?

SECRETARY CHASE: Mr. Wanger offers the following amendment to the body of the proposal:

1. Amend section i, at the end of the first paragraph, by inserting "The members of the commission shall not be eligible for election to public office during the term for which they were appointed nor for one year thereafter.".

PRESIDENT NISBET: The Chair recognizes Mr. Wanger.

MR. MARTIN: Point of order, Mr. President. I believe this question was taken care of when we voted on section i this morning, wasn't it? Specifically, didn't Mr. Van Dusen's amendment specifically eliminate that from the Austin amendment?

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Speaking to the point, I can assure the delegate that the wording of this amendment is different from the wording of the amendment previously acted upon.

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

MR. WANGER: Mr. President, I have the floor, and I don't believe anyone can make a motion unless they have the floor.

MR. KUHN: Parliamentary inquiry, Mr. President.

PRESIDENT NISBET: You may state it.

MR. KUHN: My recollection, Mr. President, is that Mr. Van Dusen, some time ago, moved the previous question to section i and all amendments thereto. Now, if that is correct, no subsequent amendments can even be offered at this time. They had to be offered before he made that motion, and if they were offered, there can be no talk at this time.

MR. WANGER: Mr. President, speaking to the additional point of order raised by Mr. Kuhn, the motion for the previous question, first of all, was made to the substitute, but if it did not, if it included section i, nevertheless, that was at a time when we were considering only that section. Now we have gone to a different stage of the proceedings and are considering, in addition thereto, amendments to the body of the whole proposal.

PRESIDENT NISBET: The Chair will rule that the operation of the previous question has been exhausted by the adoption of the substitute for section i. The Wanger amendment is to the body of the proposal and is therefore in order. Mr. Wanger, you may present your amendment.

MR. WANGER: Thank you, Mr. President.

MR. MARTIN: Mr. President, it seems to me that this is exactly the same amendment which Mr. Wanger has offered once before. It was put in and then it was taken out and he is now offering it again.

MR. WANGER: Point of order, Mr. President.

MR. MARTIN: I raise a point of order on that.

PRESIDENT NISBET: The ruling is that the amendment is enough different in form to be considered. Mr. Wanger, you may proceed.

MR. WANGER: Thank you. Mr. President and members of the convention, I will pause briefly so that we can take care of some typing up at the podium.

PRESIDENT NISBET: You may proceed.

MR. WANGER: I wish to present briefly the reasons for this amendment. As you know, this amendment is somewhat similar to the amendment which was adopted last Thursday to section i. This convention, then in committee of the whole, adopted that by a vote of 61 to 55, and it passed. However, when the substitute was presented by Mr. Van Dusen, et al, today, that sentence was omitted. During debate, no reason whatsoever was given for the omission of that sentence, although every other change was given some consideration. It is a substantive change in the provision, the section i, Mr. Van Dusen's statement to the contrary notwithstanding.

I believe it is important that this sentence be included in section i. You will notice it is different from the original amendment which was presented in committee of the whole, providing that members of the commission shall not be eligible for election to public office, whereas the previous amendment included appointment to public office as well, and also that the term for which they were appointed is now 1 year instead of 2 years.

We must face the facts, ladies and gentlemen of the convention, that we are dealing with an area, that of civil rights and the civil rights commission, which, in addition to being a great problem of social justice, is also an area of great political sensitivity; probably the most sensitive issue politically in modern times, in our state and in our nation. Therefore, I think we must realize that the political facts of life are that the temptation is, and indeed has been, very great to use this issue for political or partisan ends, or even occasionally, regardless of the ends of justice in a given case.

If we go to the part of our constitution providing for the courts, we find that in article VII, section 9, that circuit judges shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. That provision was thought wise by the founding fathers of 1908 for circuit judges. It was taken almost verbatim from the Constitution of 1850 of this state, and was discussed on the floor of the convention and inserted. When we acted on Committee Proposal 96, we included substantially the same provision, but we, as a convention, and as a committee, enlarged it to include all judges or justices of courts of record. Now, I submit to you that in this area the commission, a constitutional commission which we are creating, will not only be the judge of these issues and matters which come before it,

but as all other commissions are, they will be prosecuting attorney and jury as well. How much more necessary, then, would it be to have such a provision attached to the constitutional provision for this commission?

I notice that among the proponents of the substitute we adopted today is the chairman of the committee on legislative organization, and I call his attention to and remind all the other delegates of the fact that in Committee Proposal 79, on page 2, lines 3 through 9, we provided extensive language with respect to the members of the commission not being eligible for election to the legislature until 2 years shall have elapsed after the apportionment in which they have participated. This area is not nearly as sensitive as the issues with which this commission deals, and yet we provided a similar limitation there.

I would further bring to the attention of the convention, Mr. President, the fact which has not been discussed but which should be considered and that is this: that unless such a limitation is put into the constitution, it cannot later be added by an act of the legislature.

With commissions in the area of civil rights or any other area, which commissions are created by the legislature, the legislature always has the power to add such a provision in case it was felt that the commission or any members thereof might be using their power for ends other than the ends of justice in the individual case. However, in the constitution we cannot, except by constitutional amendment, put such a limitation on this commission. Therefore, I earnestly ask you to affirm the action which, by fair majority, you took previously on this issue, to adopt this amendment as a safeguard against the political temptations which are admittedly so powerful and so prevalent in this area. This amendment would in no way weaken the power or the functions of the commission and it will add, I believe, public confidence in the work of the commission, insofar as words can do so.

We know that politics will not be kept out of anything in our lives in which people are interested and, of course, that applies to this, but there are occasions when words can help to keep politics out of an area where politics should not enter. These are such words. I urge you to vote in favor of this amendment for the reasons which I have given.

PRESIDENT NISBET: The question is on the amendment of Mr. Wanger.

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

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded?

MR. MARTIN: Mr. President, the subject of the amendment has already been rejected once. I urge you to vote no on the amendment.

PRESIDENT NISBET: Not a sufficient number. Those in favor will say aye. Those opposed will say no.

The amendment is not adopted. Any further amendments?

SECRETARY CHASE: None, Mr. President.

PRESIDENT NISBET: **Committee Proposal 71,** as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 71 as amended and referred to the committee on style and drafting:

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

Sec. a. The governor, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, 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 convention in a manner provided by law. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He shall perform such additional duties as may be delegated to him by the governor.

All executive and administrative offices, agencies and instrumentalities of the state government and their respective functions, powers and duties, except for the offices 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, so as to group them as far as practicable according to major purposes, but at no time shall an examining or licensing board be composed of or governed by a majority of members of a competitive profession. Temporary commissions or agencies for special purposes and with a life of no more than 2 years may be established by law and need not be allocated within a principal department.

The allocation of departments by law pursuant to this section shall be completed within 2 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 such allocation.

Subsequent to such 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. The legislature shall have 60 days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved in both houses by a resolution concurred in by a majority of the members elect of each house, these orders shall become effective at a date thereafter to be designated by the governor.

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, he shall be nominated and, 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, shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed in this constitution or by law.

No member of any board or commission created or enlarged after adoption of this constitution shall have a term longer than 4 years. The terms of members of existing boards and commissions, other than as provided in this constitution, which are greater than 4 years shall not be further extended.

Sec. c. 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 such duties as may be prescribed by law.

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

The governor may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or 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 any action or proceeding against the legislature.

Sec. e. When the senate is not in session and a vacancy occurs in any office, appointment to which requires advice and consent of the senate, the governor shall fill the same by appointment. Such an interim appointment may be disapproved by the senate as with other appointments requiring such advice and consent. A person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have been disapproved by the senate.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, other than a judicial officer, until he shall be acquitted or until after the election and qualification of a successor.

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

Appointment by and with the advice and consent of the senate when used in this constitution or in statutes in effect or hereafter enacted shall mean appointment subject to disapproval by a majority vote of the members elect of the senate if such action is taken within 60 legislative days after the date of such appointment. If not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution or of law or executive order authorized herein shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.

Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate for 4 year terms. No 2 members shall have conterminous terms.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for the execution of policy of the state highway commission.

Sec. i. There is hereby created a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 such other powers as may be 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.

PRESIDENT NISBET (continuing): A few announcements.

SECRETARY CHASE: Mr. Danhof requests a short meeting of the committee on judicial branch directly after this morning's session in room B.

I have the following requests for leave: Mr. Douglas requests to be excused from the afternoon session; Mrs. Cushman requests to be excused from most of the afternoon session to keep a doctor's appointment; Mr. Suzore wishes to be excused from the session of Monday and the session of Tuesday morning; and Dr. Nord wishes to be excused from the session of next Monday because of a business commitment.

PRESIDENT NISBET: Without objection, the excuses are granted. Mr. White.

MR. WHITE: Mr. President, I move this convention recess until 1:30 this afternoon.

PRESIDENT NISBET: The question is on the motion of Mr. White to recess. All those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 1:30.

[Whereupon, at 12:00 o'clock noon, the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

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

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

The motion prevails. Mr. Martin.

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

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

SECRETARY CHASE: Item 1, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 45,** A proposal to guarantee the right of disposition to the owner of real property. Amends article II by adding a new section.

For text of Committee Proposal 45 and the reasons submitted in support thereof, see below, page 2272.

CHAIRMAN MARTIN: Professor Pollock.

MR. POLLOCK: Mr. Chairman, due to the absence of the vice chairman, Harold Stevens, may I ask that this pass until Monday?

CHAIRMAN MARTIN: Without objection, it will be passed. Committee Proposal 45 is passed for the day. Mr. Downs.

MR. DOWNS: Mr. Chairman, just a parliamentary inquiry: I would just like us to be consistent. If we pass because one delegate is not here, I want to ask a ruling from the

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 72 of that committee, reporting back to the convention **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 71 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 75 of that committee, reporting back to the convention **Committee Proposal 72,** A proposal to provide for compensation of acting governor;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 72 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 76 of that committee, reporting back to the convention **Committee Proposal 74,** A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 74 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 77 of that committee, reporting back to the convention **Committee Proposal 75,** A proposal to provide for compensation of state officers;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 75 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 78 of that committee, reporting back to the convention **Committee Proposal 76,** A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 76 as reported by the committee on style and drafting, see below under date of April 25.

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 79 of that committee, reporting back to the convention **Committee Proposal 77,** A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 77 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 80 of that committee, reporting back to the convention **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 78 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: That is all of the standing committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: It is always a marvel to me how the human body and brain can rebound so rapidly. When I went home last night it made me think of the fellow playing golf who had had a rather bad day. He was hooking or he was slicing, and finally on the thirteenth hole he missed his putt. He broke the putter over his knee, threw the ball into the lake and sat down on the green rather frustrated, saying, "I've got to give it up, I've got to give it up," and the caddy said, "Give up what, golf?" The fellow says, "No, the ministry." (laughter)

Before anything else happens here I wish you a happy Easter when we leave here, if we do. Today we have taxation. We hope we can get it through early in time for you all to get home, because I know you want to, but I am sure you realize we must keep on schedule. We have asked style and drafting now to do 2 weeks work in 4 days. In talking to Mr. Brake, I know his committee is in good shape today, and I hope we will keep our debating sharp and intensify our work to do the best job we can.

The Chair recognizes Mr. Brake on second reading.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I wish to move for a change in the order in which the proposals from finance and taxation will be presented; namely, that we start with Committee Proposal 6, then 23, then 56, then 38, then 39, and otherwise follow the order that is already on your calendar. I make this motion for one reason, and for one reason only, and it is connected with what the president just said. Tomorrow is Good Friday. I understand from information here and there around the convention that there will be delegates leaving possibly before we get through. These are the 3 issues most likely to be controversial, and my purpose in making the motion is that we handle those while a maximum number of delegates are present. I have no other motive whatsoever in asking for the change in order. These cover the 15 mill limitation, the weight and gas state taxes and antidiversion, and the sales tax, and I want to get those off, if it's possible, before noon, while everyone is present.

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

MR. DURST: Mr. Chairman, could Mr. Brake give us those again and give us the number that appears on the second reading calendar, rather than the committee proposal number?

MR. BRAKE: The numbers on the calendar, those are the numbers that I gave you. We start with Committee Proposal 6 and 23 as the calendar now is; then 56, that is the 15 mill limitation; then 38, that is the highway money; then 39, the sales tax.

Miscellaneous provisions and schedule	85.4	53.2
Emerging problems	80.0	60.0
Total all committees	74.6	55.8

Committee reports and exclusion reports
Total sections: 327

Declaration of rights, suffrage and elections committee
Total sections: 39
Votes in committee:
Split 4
Unanimous (or without objection) 35
Votes in committee of the whole:
Controversy, passed as amended 13
Controversy, passed without amendment 6
Unanimous (or without objection) 20

Education committee
Total sections: 23
Votes in committee:
Split 6
Unanimous (or without objection) 17
Votes in committee of the whole:
Controversy, passed as amended 6
Controversy, passed without amendment 3
Unanimous (or without objection) 14

*Emerging problems committee (see end of table)

Executive branch committee
Total sections 31
Votes in committee:
Split 5
Unanimous (or without objection) 26
Votes in committee of the whole:
Controversy, passed as amended 17
(including 2 new sections)
Controversy, passed without amendment 9
Unanimous (or without objection) 7

Finance and taxation committee
Total sections 33
Votes in committee:
Split 20
Unanimous (or without objection) 13
Votes in committee of the whole:
Controversy, passed as amended 7
Controversy, passed without amendment 3
Unanimous (or without objection) 22

Judicial branch committee
Total sections 52
Votes in committee:
Split 12
Unanimous (or without objection) 40
Votes in committee of the whole:
Controversy, passed as amended 18
(including 1 new section)
Controversy, passed without amendment 6
Unanimous (or without objection) 29

Legislative organization committee
Total sections 7
Votes in committee:
Split 3
Unanimous (or without objection) 4
Votes in committee of the whole:
Controversy, passed as amended 2
Controversy, passed without amendment 2
Unanimous (or without objection) 3

Legislative powers committee
Total sections 49
Votes in committee:
Split 8
Unanimous (or without objection) 41
Votes in committee of the whole:
Controversy, passed as amended 12
(including 2 new sections)
Controversy, passed without amendment 6
Unanimous (or without objection) 34

Local government committee
Total sections 40
Votes in committee:
Split 17
Unanimous (or without objection) 23
Votes in committee of the whole:
Controversy, passed as amended 12
(including 1 new section)
Controversy, passed without amendment 4
Unanimous (or without objection) 25

Miscellaneous provisions and schedule committee
Total sections 48
Votes in committee:
Split 7
Unanimous (or without objection) 41
Votes in committee of the whole:
Controversy, passed as amended 9
Controversy, passed without amendment 14
Unanimous (or without objection) 25

*Emerging problems committee
Total sections 5
Votes in committee:
Split 1
Unanimous (or without objection) 4
Votes in committee of the whole:
Controversy, passed as amended 2
Controversy, passed without amendment 0
Unanimous (or without objection) 3

Total all committees: 327 sections
Votes in committee:
Split 83
Unanimous (or without objection) 244
Votes in committee of the whole:
Controversy, passed as amended 98
Controversy, passed without amendment 52
Unanimous (or without objection) 182

MR. WOOLFENDEN: Mr. President, copies are available and will be distributed to the delegates during the day.

PRESIDENT NISBET: Miss Hart.

MISS HART: Mr. President and fellow delegates, I'm usually associated with battling for women's rights. But today I want to speak a word for the men. I heard the weather report this morning and I sincerely hope that during the day as the temperature rises, that the men in this convention will feel that they may remove their coats and be as comfortable as the women. (applause)

PRESIDENT NISBET: Thank you, Miss Hart.

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 108 of that committee, reporting back to the convention **Committee Proposal 44**, A proposal pertaining to the schedule;
with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 44 as reported by the committee on style and drafting, see below, page 3027.

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 109 of that committee, reporting back to the convention **Committee Proposal 61**, A proposal pertaining to terms of public officers; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

of this state. The administrator shall perform administrative duties assigned by the court.

Sec. c. 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. d. 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. e. 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. f. 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 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.

PRESIDENT NISBET (continuing): Mr. Binkowski.

MR. BINKOWSKI: Mr. President, may I ask a question of Mr. Danhof so he can clarify the record regarding a proposal? Mr. Danhof, I believe you and several members of the convention have received letters from a judge of the common pleas court of Detroit with respect to a possible increase of their salaries. We know that the common pleas court in Detroit is a statutory court and no mention was made of it, although the proposed constitution specifically mentions the justices of the supreme court, judges of the court of appeals, circuit court judges, and probate judges. I wonder if, for the record, this can be clarified.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. Binkowski, in answer to your question, section g of Committee Proposal 96 covers the constitutional courts. If you will recall, during the debate on the miscellaneous section we removed a prohibition against the increase of salary of public officers. Therefore, the common pleas court, the recorders court and municipal court judges who previously were barred because of a general prohibition within the constitution, being statutory courts, there is nothing now to prohibit the legislature from enacting the identical provision for those statutory courts that we have enacted for the constitutional courts. I see no prohibition against allowing for the increase of salaries during the term of the judges of these statutory courts.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: All delegates are asked to check their mailboxes before they go to lunch.

The committee on style and drafting will meet in room G during the noon recess. Mr. Cudlip, chairman.

The committee on emerging problems will have a short meeting — emphasis "short meeting" — this noon in room H immediately upon taking the recess.

The committee on declaration of rights, suffrage and elections will meet in room F today at 8:00 o'clock p.m.

The committee on legislative powers will meet in room H Thursday at 8:00 o'clock a.m. T. Jefferson Hoxie, chairman.

PRESIDENT NISBET: The Chair recognizes Mr. Bledsoe.

MR. BLEDSOE: Mr. President, I move that the convention recess until 1:30.

PRESIDENT NISBET: The question is on the motion of Mr. Bledsoe. Those in favor will say aye. Opposed, nay.

We are recessed until 1:30 o'clock.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

We have the following requests for leave: Mr. William Hanna asks to be excused from the first part of the afternoon session today; and Mr. Garry Brown requests to be excused from this afternoon's session and the sessions of Wednesday, Thursday and Friday, April 25, 26 and 27, due to the trial of a lawsuit previously adjourned to these dates at a time when it appeared that the convention would adjourn by April 15.

PRESIDENT NISBET: Without objection, the requests are granted.

Second reading on executive branch proposals. The secretary will read.

SECRETARY CHASE: Item 1 on the calendar, **Committee Proposal 71** —

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, several delegates have requested a little additional time to prepare some material on this on both sides of the house. I'd like to move at this time that Committee Proposal 71 be placed right after item 10 on our calendar, which will bring it up just a little later.

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

The motion prevails. The secretary will read the next proposal.

SECRETARY CHASE: Item 2 on the calendar, **Committee Proposal 2,** A proposal to provide the executive power be vested in the governor. Amends article VI, section 2.

Following is Committee Proposal 2 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 336.):

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

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The language of the section has been unchanged by the style and drafting committee, Mr. President, and it is exactly in the form which it was when it left the floor. We have nothing to add to that.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 2. Any amendments?

SECRETARY CHASE: None.

PRESIDENT NISBET: This is a record roll call vote. Those in favor of approval of Committee Proposal 2 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—112

Allen	Garvin	Perlich
Anspach	Goebel	Perras
Austin	Gover	Plank
Baginski	Gust	Pollock
Balcer	Habermehl	Powell
Barthwell	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Blandford	Heideman	Richards, J. B.
Bonisteel	Higgs	Richards, L. W.
Bradley	Hodges	Romney
Brake	Howes	Rood
Buback	Hubbs	Rush
Butler, Mrs.	Hutchinson	Sablich
Cudlip	Iverson	Shackleton
Cushman, Mrs.	Jones	Sharpe
Danhof	Judd, Mrs.	Sleder
Dehnke	Karn	Snyder
Dell	Kelsey	Spitler
DeVries	Kirk, S.	Stafseth
Donnelly, Miss	Koeze, Mrs.	Staiger
Doty, Dean	Krolikowski	Stamm

Cudlip	Knirk, B.	Sleder
Danhof	Koeze, Mrs.	Snyder
Dehnke	Krolikowski	Spitler
Dell	Kuhn	Stafseth
DeVries	Lawrence	Staiger
Donnelly, Miss	Leibrand	Stamm
Doty, Dean	Leppien	Stevens
Doty, Donald	Lesinski	Suzore
Douglas	Mahinske	Thomson
Downs	Marshall	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Elliott, Mrs. Daisy	McGowan, Miss	Upton
Erickson	McLogan	Van Dusen
Everett	Millard	Walker
Farnsworth	Mosier	Wanger
Faxon	Murphy	White
Figy	Nisbet	Wilkowski
Finch	Norris	Wood
Follo	Ostrow	Woolfenden
Ford	Page	Yeager
Gadola	Perlich	Young
Garvin	Perras	Youngblood
Goebel	Plank	

Nays—5

Binkowski	Hodges	Kelsey
Cushman, Mrs.	Jones	

SECRETARY CHASE: On the passage of Committee Proposal 17, the yeas are 116; the nays, 5.

PRESIDENT NISBET: **Committee Proposal 17,** as amended, is passed and referred to the committee on style and drafting.

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

Sec. a. No person shall be eligible for the office of governor or lieutenant governor who shall not 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.

The secretary will read the next proposal.

SECRETARY CHASE: Item 1 on the calendar, which was to follow item 10, **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: If it is in order, I move that the matter be considered read.

PRESIDENT NISBET: Is there objection? If not, it will be considered read.

Following is Committee Proposal 71 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 2211.):

Sec. a. The governor, lieutenant governor, secretary of state[,] and attorney general shall be elected at the general [biennial] election [in 1964 and] in each alternate even numbered year [beginning in 1966]. They shall[, after 1966,] serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CONSTITUTION, THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE ELECTED AT THE GENERAL ELECTION IN 1964 TO SERVE FOR 2 YEAR TERMS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION. THE FIRST 4 YEAR ELECTION UNDER THIS CONSTITUTION SHALL BE HELD AT THE GENERAL ELECTION IN 1966.*

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventionS in a manner [provided] PRESCRIBED by law. In the general election ONE VOTE SHALL BE CAST JOINTLY FOR THE CANDIDATES [the votes cast for a candidate] for governor AND LIEUTENANT GOVERNOR NOMINATED BY THE SAME PARTY. [shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.]

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He shall perform [such] additional duties as [may be delegated to] REQUESTED OF him by the governor.

All executive and administrative offices, agencies and instrumentalities of the state government and their respective functions, powers and duties, except for the office[s] 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[,]. [so as to] THEY SHALL BE [group] GROUPED [them] as far as practicable according to major purposes[,]. [but] At no time shall an examining or licensing board OF A PROFESSION be composed of [or governed by] LESS THAN a majority of members of [a] THAT [competitive] profession. Temporary commissions or agencies for special purposes [and] with a life of no more than 2 years may be established by law and need not be allocated within a principal department.

The INITIAL allocation of departments by law pursuant to this section shall be completed within [2] 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 [such] THE INITIAL allocation.*

Subsequent to THE INITIAL [such] 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. The legislature shall have 60 days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved in both houses by a resolution concurred in by a majority of the members [elect of] ELECTED TO AND SERVING IN each house, these orders shall become effective at a date thereafter to be designated by the governor.

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, he shall be nominated and, 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, shall be nominated and, 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 [No member] of any board or com-

*This paragraph proposed to be moved to schedule and temporary provisions.

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

mission created or enlarged after adoption of this constitution shall [have a term longer than] NOT EXCEED 4 years EXCEPT AS OTHERWISE AUTHORIZED IN THIS CONSTITUTION. The terms of [members] OFFICE of existing boards and commissions, [other than as provided in this constitution,] which are greater than 4 years shall not be further extended EXCEPT AS PROVIDED IN THIS CONSTITUTION.

Sec. c. 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 [such] duties [as may be] prescribed by law.

Sec. d. Each principal department shall be under the supervision of the governor, unless otherwise provided by [the] 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[, by appropriate] INITIATE court [action or proceeding] PROCEEDINGS [brought] 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 [any action or proceeding] COURT PROCEEDINGS against the legislature.

Sec. e. When the senate is not in session, [and] THE GOVERNOR SHALL FILL a vacancy [occurs] in any office, appointment to which requires advice and consent of the senate[, the governor shall fill the same] by appointment[.] WHICH [such an interim appointment] may be disapproved by the senate [as with] IN THE MANNER PROVIDED FOR other appointments requiring such advice and consent. A person WHO HAS BEEN DISAPPROVED BY THE SENATE [so appointed] shall not be eligible for another interim appointment to [such] THE SAME office [if the appointment shall have been disapproved by the senate].

Sec. f. 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 officer, until he [shall be] IS acquitted or, IF CONVICTED, UNTIL THE VACANCY IS FILLED IN THE MANNER PRESCRIBED BY LAW OR THIS CONSTITUTION FOR SUCH OFFICE [until after the election and qualification of a successor].

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

Appointment by and with the advice and consent of the senate when used in this constitution or in statutes in effect or hereafter enacted [shall] meanS appointment subject to disapproval by a majority vote of the members [elect of] ELECTED TO AND SERVING IN the senate if such action is taken within 60 legislative days after the date of such appointment. If THE APPOINTMENT IS not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution, [or] of law or OF executive order authorized BY THIS CONSTITUTION [herein] shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.*

Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party[,]. THEY SHALL BE appointed by the governor with the advice and consent of the senate for 4 year terms[.], no 2 OF WHICH [members] shall EXPIRE [have conterminous terms] IN THE SAME YEAR.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for [the execution] EXECUTING THE [of] policy of the state highway commission.

Sec. i. There is hereby ESTABLISHED [created] a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 [such] other powers [as may be] 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.

MR. MARTIN: Mr. President, the committee on style and drafting has considered this proposal at some length and they have made a number of changes in it. The committee is satisfied with those changes and we recommend the adoption of the proposal as revised by style and drafting.

PRESIDENT NISBET: Mr. Chase, is there an amendment?

SECRETARY CHASE: Mr. Hubbs offers the following amendment to Committee Proposal 71:

1. Amend page 1, at the beginning of line 12, [section a, paragraph 3] by inserting "The governor and"; so the language will read:

> The governor and the lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law.

PRESIDENT NISBET: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President and members of the convention, I won't take very much of your time because I've been talking to a good many of you and I find that there seems to be a small amount of support for this proposition. I would like to make a point, however, because the chief argument against it seems to be that the public isn't ready for this

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*This paragraph proposed to be moved to schedule and temporary provisions.

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

of both houses in a reorganization plan when, in order to provide funds and appropriate for any agency that might be created under a reorganization plan, both houses must concur in the appropriation. I urge the convention to support this amendment.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, this is precisely the same provision which was considered in committee of the whole, and it was fully debated there. The reasons pro and con were given. This would make it possible for one house to turn down a reorganization plan, and that is relatively easy to obtain. So it would mean, in effect, that very few reorganization plans would ever go through. This is the situation as it now is. Practically no reorganization plans have gone through and the specific reason for that is just that it's too easy to turn them down. We feel that if you're going to have a provision for executive reorganization, there ought to be some reasonable chance for survival of such plans. That's why the committee took the position that it did and why we hope that you will vote against this amendment and for the committee proposal.

PRESIDENT NISBET: Dr. Pollock.

MR. POLLOCK: Mr. President, as Mr. Martin, the chairman of the committee, has said, this was thoroughly discussed once before in committee of the whole and defeated. I think Mr. Hutchinson approaches this as he seems to approach a good many other matters: from the point of view of his legislative experience. We're not now legislators; we're convention delegates. We have to look at this from the point of view of the operation of the whole state government of Michigan. Experience shows that the system that Mr. Hutchinson has proposed does not work in Michigan. We've had just brief experience with it, but it does not work.

So far as the Washington experience is concerned, congress, too, has been very jealous of its powers and it's whittled away and whittled away at the reorganization law until now it's extremely difficult for the president to get through necessary reorganizations. I think what is true in Washington is even more true at the state level. And as I say, I think it pretty much depends on whether you think that reorganization matters can best be proposed by the governor or whether you have to wait for the legislature to do it. I hope you don't believe the latter, because the whole experience of administrative reorganization demonstrates very clearly that it's the negligence, the lack of action on the part of the legislature, and finally the veto by the legislature which has kept Michigan in the administrative mess it is now in. This was a key provision put in by the committee after careful deliberation and it was supported by the committee of the whole. I hope you will not accept the amendment.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Very briefly, as a member of the committee, I agree with the remarks made by the committee chairman and I urge the defeat of the amendment.

PRESIDENT NISBET: The question is on the adoption of the amendment offered by Mr. Hutchinson. Mr. Chase will read the amendment.

SECRETARY CHASE: Mr. Hutchinson's amendment:

[The amendment was again read by the secretary. For text, see above, page 2753.]

PRESIDENT NISBET: Those in favor of the Hutchinson amendment will say aye; opposed, no.

The amendment is not adopted. The next amendment.

SECRETARY CHASE: Messrs. Wood, Faxon and Erickson offer the following amendment:

1. Amend page 3, line 4, [section b, paragraph 5] after "treasurer" by inserting a comma and "a highway commissioner".

MR. WOOD: Mr. President.

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: We'll withdraw that amendment at this time.

PRESIDENT NISBET: Without objection, the amendment is withdrawn.

SECRETARY CHASE: Messrs. Wood, Faxon and Erickson offer the following amendment:

1. Amend page 1, line 12, [section a, paragraph 3] after "secretary of state" by inserting a comma and "highway commissioner".

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: I don't know where we got 2 of them. We'll withdraw both of them.

PRESIDENT NISBET: Without objection, the amendment is withdrawn. Any further amendments?

SECRETARY CHASE: That's the last of the amendments on the desk, Mr. President.

PRESIDENT NISBET: If not, the question is on the adoption of Committee Proposal 71, with the exclusion of section i. Those in favor of the adoption of Committee Proposal 71 will vote aye. Those opposed will vote nay. Mr. Downs.

MR. DOWNS: I wish to urge a no vote on 71. This proposal, with advice and consent, does not strengthen the hand of the governor.

PRESIDENT NISBET: Mr. Downs, the vote has been called. I'm sorry.

MR. MARSHALL: Point of inquiry. We are voting on the entire Committee Proposal 71 now?

PRESIDENT NISBET: Except for section i, which has become 71A, Mr. Marshall.

MR. MARSHALL: We are voting on the entire article. Does it take 73 votes to pass it?

PRESIDENT NISBET: That is correct.

MR. MARSHALL: Thank you.

PRESIDENT NISBET: The question is on Committee Proposal 71, excluding section i. 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 — 79

Allen	Habermehl	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Anspach	Haskill	Rajkovich
Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Bentley	Higgs	Romney
Bonisteel	Howes	Rush
Brake	Iverson	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kirk, S.	Sharpe
Danhof	Koeze, Mrs.	Sleder
Dehnke	Kuhn	Spitler
Dell	Lawrence	Staiger
DeVries	Leibrand	Stamm
Donnelly, Miss	Leppien	Sterrett
Doty, Dean	Martin	Stevens
Doty, Donald	McLogan	Thomson
Durst	Millard	Tubbs
Elliott, A. G.	Mosier	Turner
Everett	Nisbet	Tweedie
Farnsworth	Page	Upton
Figy	Plank	Van Dusen
Gadola	Pollock	Wanger
Goebel	Powell	White
Gover	Prettie	Woolfenden
Gust		

Nays — 44

Austin	Ford	Norris
Balcer	Garvin	Ostrow
Barthwell	Hart, Miss	Perlich
Binkowski	Hatcher, Mrs.	Perras
Bledsoe	Hodges	Sablich
Boothby	Hood	Shanahan
Bradley	Hoxie	Snyder
Buback	Hubbs	Stafseth
Douglas	Hutchinson	Suzore
Downs	Jones	Walker
Elliott, Mrs. Daisy	Lesinski	Wilkowski
Erickson	Mahinske	Wood

Faxon	Marshall	Yeager
Finch	McAllister	Young
Follo	Murphy	

SECRETARY CHASE: On the passage of Committee Proposal 71, the yeas are 79; the nays are 44.

PRESIDENT NISBET: **Committee Proposal 71** is passed.

Following is explanation of vote submitted by Mr. Hubbs:

I have chosen to vote no on Committee Proposal 71 in order to express my disapproval of the convention's attitude toward nomination of the governor in party conventions. I do not feel that the convention gave sufficient attention to this point of view of the serious problems of candidate expense and taxpayer expense caused by the statewide primary election system. The strengthening of political parties and the wider choice of candidates that would result is a benefit to the people of this state that should have been given more careful consideration.

Following is explanation of vote submitted by Delegates Marshall, Jones, Young, Daisy Elliott, Buback, Barthwell, Austin, Douglas and Hart:

We voted no on Committee Proposal 71.

This proposal reduces the voter's right to elect his governmental officials. It also weakens the responsibility and authority of the governor.

The present system of electing a highway commissioner that has proven so successful in building roads for Michigan's citizens, is replaced with a hydraheaded monster, consisting of 4 commissioners selected by advice and consent of the senate. This system does not have the advantage of letting the people elect their highway commissioner, nor even the alleged advantage of having the governor appoint the highway commissioner direct. It dilutes responsibility and authority so that nobody is responsible when roads are not built, and the citizens have no place to turn when they feel the highway program is not run properly.

The present system of electing state ad board members is replaced with one that permits the governor to appoint the state treasurer, but this power for the governor is destroyed by requiring the advice and consent of a senate that does not represent people equally.

The governor's power to appoint heads of departments is vitiated by the requirement that these appointees receive advice and consent of the senate. A "sudden death" provision is established which requires the senate to accept or reject the appointee within 60 legislative days. The senate that does not represent people is then compelled to pass judgment upon the governor's appointees and thereby weakens his power.

This provision is not an improvement on the 1908 constitution, but is a definite step backwards because it weakens government. We have come to this convention hoping that we would strengthen the people's right to participate in government, and its responsible, executive branch. Instead, this proposal weakens the executive and weakens the people's voice in government. We, therefore, voted no on this proposal.

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

For Committee Proposal 71 (excluding section i) as rereferred to the committee on style and drafting, see above, page 2743.

We will now take up Committee Proposal 71A and Mr. Chase will read.

SECRETARY CHASE: **Committee Proposal 71A,** A proposal to provide for a civil rights commission.

Following is Committee Proposal 71A (section i of Committee Proposal 71) as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see section i of Committee Proposal 71 above, page 2211):

Sec. a. There is hereby ESTABLISHED [created] a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 [such] other powers [as may be] 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.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, this is almost exactly the proposal which left the committee of the whole with a change of one or two words which are not changes in substance. So the committee recommends the adoption of this proposal in its present form.

PRESIDENT NISBET: There are 7 amendments. The secretary will read.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 1, line 7, [paragraph 1] after "year.", by striking out the balance of the line, all of lines 8 through 11 and through "discrimination.", in line 12, and inserting "It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person's enjoyment of civil rights guaranteed by this constitution or by law because of race, religion, color or national origin; to investigate alleged denials of such civil rights; and to secure the equal protection of the law so as to prevent denial of the enjoyment of civil rights and discrimination in the exercise of such rights.".

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, the intent of my amendment is to make a more clear parallel between this language and the language of Committee Proposal 26, which is the declaration of rights section governing civil and political rights and providing for the equal protection of the laws. There were some changes and this actually is one of the versions that the committee on style and drafting did consider. It is the version that I thought was the best because it was most clearly parallel to Committee Proposal 26. It would seem to me that it was important to mention, for example, not only this discrimination but also the possibility of a denial of the enjoyment of civil and political rights, and I, therefore, put that in. Now, there is, of course, one distinction here and we mention in 26, "race, religion, sex or national origin." In here we've got "race, religion, color or national origin." I am quite happy, as a result of the study I have been doing and the help I've been getting from various people, to leave "sex" to one side. I think that whereas there is some discrimination, that it is far better handled on the basis of statute than it is in the constitution because of many other problems that you'd raise. And for that reason I kept to

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

1. Amend page 1, second paragraph, last sentence, after "legislators" by striking out "eligible to receive these benefits" and inserting "as provided by law"; so the language will then read, "This section shall not be construed to deny retirement benefits to those legislators as provided by law at the time—

MR. AUSTIN: The word "those" should also be struck, Mr. Secretary.

SECRETARY CHASE: Bear with me a moment, please.

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Mr. President—I am sorry. The secretary wants to clarify.

SECRETARY CHASE: Without objection, the amendment as revised by Mr. Austin, reads as follows:

1. Amend page 1, second paragraph, last sentence, after "benefits to" by striking out "those legislators eligible to receive these benefits" and inserting "legislators as provided by law"; so that the last sentence will read, "This section shall not be construed to deny retirement benefits to legislators as provided by law at the time this constitution becomes effective."

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, the purpose of this amendment is simply to leave the door open to the legislature to provide for retirement benefits. It does not in itself provide benefits, but it does leave it to the legislature to do so if it feels that such benefits are necessary. Most of us here, I am sure, believe that we would get a little better grade of legislator if he could feel somewhat secure, and I certainly urge that we adopt this amendment, which does not of itself provide additional expense but does give the legislature some freedom which we think they ought to have.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, this pulls the rug right out from under what we have just done. It not only would make it possible—and it is reasonable to assume that the legislature would take advantage of it—to continue the retirement system, but if they did continue it the cost would be higher because it is a percentage of salary and the salary is higher. What we have just done would be completely knocked out by this amendment.

PRESIDENT NISBET: Delegates, please clear the board. The question is on the amendment offered by Messrs. Austin, Faxon and Downs. Those in favor—

MR. AUSTIN: Mr. President, I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand supported? Not a sufficient number up. Those in favor of the amendment offered by Messrs. Downs, Austin and Faxon will say aye.

DELEGATES: Division.

PRESIDENT NISBET: Division has been demanded. Is the demand seconded? A sufficient number up. Those in favor of the amendment will vote aye. Opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the amendment offered by Messrs. Faxon, Downs and Austin, the yeas are 28; the nays, 82.

PRESIDENT NISBET: The amendment is not adopted. The question now is on the committee proposal, as amended. Will the delegates please clear the board? Those in favor of Committee Proposal 28, as amended, 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—75

Allen	Goebel	Murphy
Andrus, Miss	Habermehl	Nisbet
Balcer	Hanna, W. F.	Ostrow
Binkowski	Hart, Miss	Page
Blandford	Hatch	Perras
Bledsoe	Hatcher, Mrs.	Pollock
Bradley	Heideman	Rajkovich
Brake	Higgs	Romney
Brown, G. E.	Hodges	Seyferth
Buback	Hood	Sleder
Cushman, Mrs.	Howes	Snyder
Danhof	Hubbs	Spitler
DeVries	Jones	Staiger
Donnelly, Miss	Judd, Mrs.	Stamm
Doty, Dean	Kelsey	Stevens
Doty, Donald	King	Stopczynski
Douglas	Koeze, Mrs.	Thomson
Downs	Krolikowski	Tubbs
Durst	Lawrence	Upton
Elliott, A. G.	Lesinski	Van Dusen
Elliott, Mrs. Daisy	Liberato	Wanger
Everett	Madar	White
Figy	Mahinske	Wilkowski
Follo	McGowan, Miss	Young
Garvin	McLogan	Youngblood

Nays—44

Austin	Haskill	Radka
Barthwell	Hoxie	Richards, J. B.
Batchelor	Hutchinson	Rood
Beaman	Karn	Sablich
Bonisteel	Kirk, S.	Shackleton
Boothby	Knirk, B.	Shaffer
Butler, Mrs.	Kuhn	Shanahan
Cudlip	Leibrand	Sharpe
Dehnke	Leppien	Stafseth
Erickson	Martin	Turner
Farnsworth	McAllister	Tweedie
Faxon	Mosier	Walker
Finch	Plank	Wood
Gadola	Powell	Woolfenden
Gover	Pugsley	

SECRETARY CHASE: On the passage of Committee Proposal 28, as amended, the yeas are 75; the nays are 44. (applause)

PRESIDENT NISBET: **Committee Proposal 28,** as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 28 as amended and rereferred to the committee on style and drafting:

Sec. a. The annual salary of the members of the legislature shall be not less than $9,000. Members of the legislature shall be entitled to 2 round trips home per month while the legislature is in session, and expenses in connection with the work of interim committees. No change in salary or expenses shall be effective during the term of office for which the legislature making the change was elected except and only to the extent of a general salary reduction in all other branches of 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 retirement benefits to those legislators eligible to receive these benefits at the time this constitution becomes effective.

PRESIDENT NISBET (continuing): The secretary will read the next proposal.

SECRETARY CHASE: Item 15 on the calendar, **Committee Proposal 44,** A proposal pertaining to the schedule. Amends sections 1 and 8 of the schedule and adds 2 sections.

PRESIDENT NISBET: Mr. Hanna.

MR. W. F. HANNA: Mr. President, I move that it be considered read.

PRESIDENT NISBET: Without objection, it will be considered read.

Following is Committee Proposal 44 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 866.):

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that:

Sec. a. All [laws] LAW not repugnant to this con-

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

stitution, 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 altered or repealed].

Sec. b. 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 shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. c. EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all officers filling any office by election or appointment shall continue to exercise 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.

Sec. d. The attorney general of the state shall recommend to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: Mr. President, fellow delegates, Committee Proposals 44 and 68 both have to do with the schedule.

PRESIDENT NISBET: Will the delegates please clear the board? Mr. Erickson.

MR. ERICKSON: This first committee proposal just makes sure that all actions and anybody's rights that they had under the old are carried over into the new if it is intended that way, and it is really a housekeeping job. The committee recommends the adoption of this proposal.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 44. Those in favor of the adoption of Committee Proposal 44 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—108

Allen	Gadola	Mosier
Andrus, Miss	Garvin	Murphy
Anspach	Goebel	Nisbet
Austin	Gover	Perras
Balcer	Gust	Plank
Barthwell	Habermehl	Powell
Batchelor	Hanna, W. F.	Pugsley
Beaman	Hart, Miss	Radka
Binkowski	Haskill	Rajkovich
Blandford	Hatch	Richards, J. B.
Bledsoe	Hatcher, Mrs.	Romney
Bonisteel	Heideman	Rood
Boothby	Higgs	Sablich
Bradley	Hodges	Shackleton
Brake	Hood	Shaffer
Buback	Howes	Shanahan
Butler, Mrs.	Hoxie	Sharpe
Cudlip	Hutchinson	Snyder
Cushman, Mrs.	Jones	Spitler
Danhof	Judd, Mrs.	Stafseth
Dehnke	Karn	Staiger
Donnelly, Miss	Kelsey	Stamm
Doty, Dean	King	Stevens
Doty, Donald	Kirk, S.	Stopczynski
Douglas	Krolikowski	Thomson
Downs	Kuhn	Tubbs
Durst	Lawrence	Turner
Elliott, A. G.	Leibrand	Tweedie
Elliott, Mrs. Daisy	Leppien	Upton
Erickson	Lesinski	Van Dusen
Everett	Madar	Wanger
Farnsworth	Mahinske	White
Faxon	Martin	Wilkowski
Figy	McAllister	Wood
Finch	McGowan, Miss	Woolfenden
Follo	McLogan	Young

Nays—0

SECRETARY CHASE: On the passage of Committee Proposal 44, the yeas are 108; the nays, none.

PRESIDENT NISBET: **Committee Proposal 44** is passed and referred to the committee on style and drafting.

For Committee Proposal 44 as rereferred to the committee on style and drafting, see above, page 3027.

Without objection, we will return to **reports of standing committees.**

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, reports back to the convention **Resolution 34,** A resolution regarding submission of the constitution to the people for ratification; with an amendment, recommending that the amendment be agreed to and the resolution, as thus amended, be adopted.

The following is the amendment recommended by the committee:

1. Amend the resolution by striking out the resolving clause and inserting the following:

"Whereas, The convention has not prepared a series of amendments to the present constitution, but has drafted an entirely new document; and

Whereas, The provisions of the proposed new constitution adopted to date are interrelated and decisions made have been interdependent; and

Whereas, The submission of the new constitution to the people in pieces rather than as a whole could result in confusion at the polls and in a patchwork document; now therefore be it

Resolved, That the new constitution proposed by this convention shall be submitted to the people for acceptance or rejection as a single document.".

R. C. Van Dusen, chairman.

For Resolution 34 as offered, see above, page 286.

MR. VAN DUSEN: Mr. President.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: This report is submitted at this time because the next order of business on second reading is the provision of the schedule relating to the manner of submission of the new constitution for acceptance or rejection by the people.

The committee on rules and resolutions found, when it came to consider this matter, that 2 of its members had exercised rather prophetic judgment, for back in November, in the early part of November of 1961, Mr. McCauley and Miss McGowan had offered Resolution 34 providing that the constitution be submitted to the people in its entirety, rather than in sections.

The committee is of the opinion, by a substantial bipartisan majority, that submission of the new constitution as a single document is by far the most desirable method. We have expressed our reasons in the recitals contained in the amendment made by the committee to the resolution offered by Mr. McCauley and Miss McGowan, pointing out that for some months we have been engaged in the drafting of an entirely new document. This has been the theory on which we have proceeded since early January. We have not been drafting amendments to the existing constitution, but rather we have prepared an integrated whole new document. The provisions of the several proposals are interrelated. The decisions which we have made are interdependent. Quite obviously not every provision of the new document on which we have agreed is acceptable to every member of the convention but, as a whole, everything that we have adopted is acceptable to a large majority of the members.

We further recognize that if the document were to be submitted as a series of amendments, the result would be confusion to the voters, and if they were to accept some and to reject others the result might be a patchwork document which

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

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

PREAMBLE

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

ARTICLE I
DECLARATION OF RIGHTS

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

Article I
Declaration of Rights

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

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

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

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

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

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

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

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

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

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ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II
ELECTIONS

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

Article II
Elections

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

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

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

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

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

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

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

Article III
General Government

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

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

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

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

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

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

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

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

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

ARTICLE IV
LEGISLATIVE BRANCH

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

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
32. Tax laws, title 53a
33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
35. Publication of laws 24a
36. Revision of laws, compilation 108a
37. Administrative rules, suspension 123a
38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
53. Auditor General 78a

Article IV
Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

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

Article VI
Judicial Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

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

ARTICLE VII
LOCAL GOVERNMENT

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

26. Taxation for private purposes 83d
27. Metropolitan Areas 88a
28. Intrastate Cooperation 88b
29. Highways, streets, etc.; use by utilities; control 85a
30. Franchises; limitations 85b
31. Highways, streets, etc.; vacation, alteration 86b
32. Local Government 57a
33. Local Government article liberal construction 84a

Article VII
Local Government

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII
EDUCATION

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

Article VIII
Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

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

Article IX
Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X
PROPERTY

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

Article X
Property

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

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

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

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

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

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

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

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

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

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI
Public Officers and Employment

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

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

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

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

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

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

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

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

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

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

ARTICLE XII
AMENDMENT & REVISION

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

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

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.		Com. Proposal
1.	Attorney general to recommend necessary laws	44d
2.	Writs, actions, claims, etc. remain effective	44b
3.	Officers continue their duties	44c and 71g
4.	Terms of officers elected November, 1962	68b
5.	Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6.	Senate Apportionment	80
7.	Supreme Court, reduction to seven justices	91a
8.	Judges of Probate, eligible for re-election	96f
9.	Overlapping terms for judiciary	96j
10.	State Board of Education	47a
11.	Boards of Control	98c
12.	Educational Boards	
13.	Initial allocation	71b
14.	Contractual obligations remain in force	6a
15.	Mackinac Bridge refunding	23b
16.	Constitution submitted to people, when	68a
17.	Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,]AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

be in the best interest of this constitution to strike these statutory words from the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: Mr. President, at this time I move the previous question.

VICE PRESIDENT HUTCHINSON: There is one other speaker is all. The Chair will receive the motion for the previous question, unless there is any — Mr. Martin.

MR. MARTIN: First, just let me say a word on —

VICE PRESIDENT HUTCHINSON: Do you insist upon your motion, Mr. Perras?

MR. PERRAS: We will listen to Mr. Martin.

VICE PRESIDENT HUTCHINSON: There's Mr. Martin, and Mrs. Judd is also on the list.

MR. PERRAS: No, one only. (laughter)

VICE PRESIDENT HUTCHINSON: The Chair will put the motion for the previous question. Is the demand for the previous question supported?

MR. FAXON: Mr. President, I move to limit deate to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Faxon offers a motion which takes precedence: to limit debate to 5 minutes. All those in favor of Mr. Faxon's motion to limit debate will say aye. Opposed, no.

The motion does not prevail. Mr. Perras moves the previous question. Is the demand for the previous question supported? It is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The previous question is ordered. The question is upon the amendment offered by Mr. Boothby.

MR. BOOTHBY: Yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Boothby demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Seventeen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question is upon the amendment offered by Mr. Boothby. All those in favor will say aye. Opposed will say no.

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

SECRETARY CHASE: No further amendments.

VICE PRESIDENT HUTCHINSON: Are there any further amendments to the body of article XI, public officers and employment? If there are none, the question is upon the passage of the article as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If you have all voted, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Goebel	Perras
Andrus, Miss	Gover	Plank
Baginski	Gust	Pollock
Balcer	Habermehl	Powell
Barthwell	Hanna, W. F.	Prettie
Batchelor	Hannah, J. A.	Pugsley
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, L. W.
Bonisteel	Heideman	Rood
Brake	Higgs	Seyferth
Brown, G. E.	Howes	Shaffer
Buback	Hoxie	Sharpe
Butler, Mrs.	Hubbs	Sleder
Conklin, Mrs.	Iverson	Spitler
Cudlip	Judd, Mrs.	Stafseth
Cushman, Mrs.	Karn	Staiger
Dehnke	Kirk, S.	Stamm
Dell	Knirk, B.	Sterrett
DeVries	Koeze, Mrs.	Stevens
Donnelly, Miss	Krolikowski	Suzore
Doty, Donald	Kuhn	Thomson
Douglas	Lawrence	Tubbs
Durst	Leppien	Turner
Elliott, A. G.	Lesinski	Tweedie
Erickson	Mahinske	Upton
Everett	Martin	Van Dusen
Farnsworth	McLogan	Wanger
Figy	Millard	White
Finch	Mosier	Wood
Follo	Ostrow	Yeager
Gadola	Page	

Nays—31

Austin	Hatcher, Mrs.	Perlich
Bledsoe	Jones	Richards, J. B.
Boothby	Madar	Shackleton
Bradley	McAllister	Shanahan
Downs	McCauley	Snyder
Elliott, Mrs. Daisy	McGowan, Miss	Stopczynski
Faxon	Murphy	Walker
Ford	Nord	Wilkowski
Garvin	Norris	Young
Greene	Pellow	Youngblood
Hart, Miss		

SECRETARY CHASE: On the passage of article XI, as amended, the yeas are 92; the nays are 31.

VICE PRESIDENT HUTCHINSON: The majority of the delegates elect having voted in favor thereof, **article XI,** as amended, is passed.

For sections 1 through 7, 9, 10, 11, 12 and 14 of article XI as passed, see above, page 3070.

Following is section 8 of article XI as amended and passed:

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 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 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 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.

Following is section 13 of article XI as amended and passed:

Sec. 13. 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 city, village, township, county, 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.

Following is explanation of vote submitted by Messrs. Boothby and J. B. Richards:

We voted no on article XI — public officers and employment — for the reason that in our judgment section 13 of that article is not a proper or desirable constitutional provision. The language is clearly statutory and there was absolutely no evidence that the legislature had failed to provide needed legislation in this area.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article XII.

SECRETARY CHASE: **Article XII,** amendment and revision.

[Article XII, sections 1, 2 and 3, was read by the secretary. For full text, see above, page 3072.]

VICE PRESIDENT HUTCHINSON: Article XII has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following correc-

Mr. Boothby. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

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

1. Amend article XII, section 3 (column 2, line 20) after "later than" by striking out "four" and inserting "six"; so the language will then read:

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....

VICE PRESIDENT HUTCHINSON: Mr. Prettie.

MR. PRETTIE: This has to do, Mr. President and fellow delegates, with the timing for the election, including the primary, of delegates to the every 16 year revision, if voted by the people of the state. May I remind you that in our own timetable the election on the question of a convention was held on April 3, the primary was held on July 25, our election was on September 12 — a lapse of 5 months and 1 week. I don't think any of us here would feel that this was too long a time. Following that we had only a matter of 3 weeks in which to arrange our personal affairs, obtain accommodations in Lansing, and arrange to enter upon the performance of our duties.

Now under the language as drawn, the timetable would be somewhat as follows: the election would be at a general election in November. A primary would then have to be held and an election during the holiday season, in November or December or around the first of the year and an election soon thereafter, so that the election would be held by the first week in March. The proposed amendment before you would extend this time to May. Then under the later language of the section appearing in lines 27 and 28, the convention would convene in October. This would give the delegates still 5 months to arrange their affairs and would not hurry a primary and a general election all within a 4 month period and then provide for a 7 month lapse after election of the delegates and before they would enter upon their duties. I urge the consideration of the amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Prettie and Mr. Powell. All those in favor will say aye. Opposed, no.

The amendment is adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? It is supported, more than 10 delegates supporting it. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Prettie and Powell, the yeas are 75; the nays are 44.

VICE PRESIDENT HUTCHINSON: The amendment is adopted.

SECRETARY CHASE: Messrs. Garry Brown and Boothby offer the following amendment:

1. Amend article XII, section 2 (column 2, line 2) after "by" by striking out "a majority" and inserting "three-fifths"; so the language will there read, "If the proposed amendment is approved by three-fifths of the electors voting on the question, the proposed amendment shall become part of the constitution. . . ."

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes on this amendment, all those in favor will say aye. Opposed will say no.

The motion prevails. Debate is limited. Mr. Boothby.

MR. BOOTHBY: Mr. President —

VICE PRESIDENT HUTCHINSON: The convention will please be in order.

MR. POLLOCK: Has not this same amendment been offered before?

VICE PRESIDENT HUTCHINSON: Mr. Pollock raises a point of order?

MR. POLLOCK: Yes, Mr. President.

MR. PERRAS: Mr. President, I would like to ask a question of Mr. Van Dusen, please.

VICE PRESIDENT HUTCHINSON: Well, first we have to decide the point of order.

MR. DURST: On Mr. Pollock's point of order, do we only consider, since all these sections were passed when we no longer had to come back into the convention for a vote, do the amendments offered on first reading then count, as far as making the matter out of order or not?

VICE PRESIDENT HUTCHINSON: Anything that was handled after we got out of committee of the whole —

MR. DURST: Well, we didn't handle anything out of committee of the whole when we came to miscellaneous articles, because they just automatically were passed.

VICE PRESIDENT HUTCHINSON: Well, in that case, anything that was in committee of the whole and was not acted upon by the convention.

MR. DURST: I see.

VICE PRESIDENT HUTCHINSON: The point of order is not well taken. The amendment is in order. Mr. Boothby may continue.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I recall that when this matter was discussed some time ago Dr. Nord suggested that he found one part of this to be a valid argument and that was the part that applied to the declaration of rights, because, as Dr. Nord pointed out, a majority of 51 per cent should not be able to take away from the other 49 per cent their basic rights which are declared in the constitution of the state of Michigan.

There is one other matter, though, that has occurred to me since that time that I would like to bring to your attention, and that is this —

VICE PRESIDENT HUTCHINSON: The convention will be in order.

MR. BOOTHBY: — that is this: that apparently one of the problems that developed from our 1908 constitution, at least one of the problems which was heralded as one of the reasons why we needed a constitutional convention was that we had too many amendments. Our constitution was called a patchwork constitution; it had 69 amendments. It had been pointed out that, out of every 2 amendments that had been placed on the ballot, one was adopted, which gave us 69 amendments in a little over 50 years.

This would indicate to me that whenever special interests are not able to get something adopted by the legislature they take it to the people and have it adopted in the constitution. I think we all believe that we should try to keep out of the constitution, as much as possible, statutory language. I believe that when you have a simple majority you actually encourage statutory language being placed in the constitution. The 3/5 provision, I think, would help to keep the constitution constitutional and not statutory. I should also point this out: that the federal constitution's provision regarding amendments requires the adoption by 3/4 of the states.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, it is very obvious that Mr. Boothby doesn't believe in majority rule. The idea of requiring an excessive majority on a popular vote doesn't seem to me to be very consonant with good democratic practice. Why doesn't he get a 3/5 vote to elect a governor or even a congressman? (laughter)

VICE PRESIDENT HUTCHINSON: Does Mr. Pollock yield to Mr. Boothby for an answer? Mr. Pollock does not yield. (laughter) Mrs. Judd is recognized.

MRS. JUDD: Mr. President —

VICE PRESIDENT HUTCHINSON: Mrs. Judd is recognized.

MRS. JUDD: — I think it is not —

VICE PRESIDENT HUTCHINSON: Will the convention please be in order?

MRS. JUDD: — I think it is not at all surprising that Mr. Boothby is opposed to change as a general principle, but I think it is surprising, not to say pleasing, that he thinks the new con-

stitution so good that it should never be changed, because I think this will be the result of his amendment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I rise to oppose this amendment. I believe this amendment is just another "Boothby-trap." (laughter) If it was that good, I'll repeat it — if I had time I would repeat it. The reason I rise is because my name was referred to. The answer to Mr. Boothby's argument, in my opinion, is this: the declaration of rights is of a classical character. It relates to human rights which survive for centuries if not forever. If we state them correctly, we ought to retain them as long as we possibly can. The words in there are very carefully selected and do not need to be changed. I do believe that a 2/3 or so vote to remove those rights is a good thing. However, I certainly do not agree with Mr. Boothby that the same principle could be applied to the whole constitution of Michigan. It could be applied to the federal constitution because every part of that constitution is of a fundamental nature. But in the Michigan constitution, the one we already have and the one we would have under this document, as we all know, many parts of this relate to the details of governmental framework. These can be changed. They need to be changed because they are too full of detail. It would be a terrible mistake to think that all of the detailed provisions we have put in should probably never be changed, as Mr. Boothby seems to suggest. I urge, therefore, that this amendment be roundly and soundly defeated.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I rise in opposition to this amendment. I think in the case of the bill of rights protecting an individual, we might have something that would take a large vote to take away rights for the individual. But the reason — and I think this may sound like a broken record — that we had so many amendments on the constitution, earmarking, provisions for industrial and urban areas, and many others, was that the people could not get what they wanted through a legislature that was not truly representative and the one place that the one man, one vote principle applies is on constitutional amendments. The other, more practical, case is that I am sure here that any of us drawing a constitution are going to make mistakes and let's make it easy for the people to correct our errors.

VICE PRESIDENT HUTCHINSON: Time for debate upon this amendment has expired. The question is upon the adoption of the amendment.

MR. A. G. ELLIOTT: Mr. President, I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Arthur Elliott demands the yeas and nays upon this amendment. Is the demand supported?

SECRETARY CHASE: Thirty-one.

VICE PRESIDENT HUTCHINSON: Sufficient number. The yeas and nays are ordered, 1/5 of the delegates present voting in favor thereof.

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: I would move for an extension of debate for 2 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown moves to extend debate for 2 minutes. All those in favor will say aye. Opposed will say no. The motion does not prevail.

MR. G. E. BROWN: Gag rule. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment. The yeas and nays have been ordered. All those in favor —

MR. HOXIE: Mr. President, is a question in order?

VICE PRESIDENT HUTCHINSON: It is not. That is part of debate, is it not? All those in favor of the amendment will vote aye. Those opposed will vote no.

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

The roll was called and the delegates voted as follows:

Yeas—14

Boothby	Haskill	Richards, J. B.
Brake	Hubbs	Shanahan
Brown, G. E.	McAllister	Stafseth
Finch	Plank	Wood
Gover	Powell	

Nays—109

Allen	Goebel	Norris
Andrus, Miss	Greene	Ostrow
Austin	Habermehl	Page
Balcer	Hanna, W. F.	Pellow
Barthwell	Hannah, J. A.	Perlich
Batchelor	Hart, Miss	Perras
Beaman	Hatch	Pollock
Bentley	Hatcher, Mrs.	Prettie
Binkowski	Heideman	Pugsley
Blandford	Higgs	Rajkovich
Bledsoe	Howes	Richards, L. W.
Bonisteel	Hoxie	Rood
Bradley	Iverson	Sablich
Buback	Jones	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Sleder
Cushman, Mrs.	Kirk, S.	Snyder
Dell	Knirk, B.	Spitler
DeVries	Koeze, Mrs.	Staiger
Donnelly, Miss	Krolikowski	Stamm
Doty, Dean	Kuhn	Sterrett
Doty, Donald	Lawrence	Stevens
Douglas	Leppien	Stopczynski
Downs	Lesinski	Suzore
Durst	Madar	Thomson
Elliott, A. G.	Mahinske	Turner
Elliott, Mrs. Daisy	Marshall	Tweedie
Erickson	Martin	Upton
Everett	McCauley	Van Dusen
Farnsworth	McLogan	Walker
Faxon	Millard	Wanger
Figy	Mosier	Wilkowski
Follo	Murphy	Yeager
Ford	Nisbet	Young
Gadola	Nord	Youngblood
Garvin		

SECRETARY CHASE: On the amendment offered by Messrs. Garry Brown and Boothby, the yeas are 14; the nays are 109.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Hubbs and Mrs. Conklin offer the following amendment:

1. Amend article XII, section 3 (column 2, line 25) after "delegate" by inserting "at a partisan election"; so the language will then read:

> . . . 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.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, those in favor will say aye. Opposed will say no.

The motion prevails. Debate is limited. The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President and members of this constitutional convention, as most of you know, I am a firm believer in partisan politics. I would like to point out to you the tremendous problem that would exist if we had arrived here in Lansing not having the slightest idea where each other stood as far as politics was concerned and our various views and positions on any matter.

I suggest that we would do the next constitutional convention — and I hope it is about 100 years away — a very great favor by providing that they shall be elected at partisan elections. As you well know, I don't believe in nonpartisanship when it comes to politics. I firmly believe that this country was firmly established by a 2 party system and let's keep it that way, or maybe even 3. I suggest we adopt this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: Mr. President and fellow delegates, I

hate to take issue with Mr. Hubbs on this, on the matter of partisan elections where he and I see eye to eye — except we don't 50 years hence, which is when this election might be held. It does seem to me a little unwise to try to specify in the constitution now what type of election will be held the next time we hold a constitutional convention. On behalf of the committee, we would have to urge that you vote no on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. President, I just want to correct a historical misstatement: this country was not founded on a 2 party system. At the time that the first president took office, there was no real political party organization of any sort in this country and there was pretty much unanimous opinion in favor of the president who occupied the office in 1789 and for the next 8 years afterwards. So I just want it understood that the 2 parties came much later, about 30 or 40 years afterwards, in the Jacksonian period.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: Mr. President and fellow delegates, I would like to urge your support on this amendment. The way that we have it now, we have left it up to the legislature to provide how these delegates shall be elected. I would point out that one of the problems that I think we have run into here, and we all recognize it, is that in the legislature they view some of our people over here at con con with a little alarm because they think they might run against them and, perhaps, if we leave it up to the legislature they will not provide for a partisan election another time, to protect themselves, and I do want partisan election of the delegates.

VICE PRESIDENT HUTCHINSON: Mr. Hubbs.

MR. HUBBS: I don't think that Mr. Faxon quite understood my point. I said that the strength of this country is founded on the 2 party system. I was not making a historical statement. The fact of the matter is that even 100 or 200 years from now there are always going to be 2 points of view on most every issue or maybe even 3, and I submit that even then there will be political parties.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Fellow delegates — and I am now saying fellow delegates of the Democratic party — finally, we are finding somebody that believes maybe we might have somebody in that legislature.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, it gives me a great deal of pleasure to rise and support an amendment offered by my good friend, Delegate Hubbs — and my good friend, Anne Conklin. I have had mixed emotions on this question from the beginning of the convention, but after 7½ months here I am convinced that there absolutely does not exist any such animal as a nonpartisan. Therefore, I urge a yes vote on this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Hubbs and Mrs. Conklin. All those —

MR. YEAGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Yeager.

MR. YEAGER: I should like to ask Mr. Hubbs a question through the Chair, please.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. YEAGER: Mr. Hubbs, by simply stating "elect one delegate at a partisan election" it does not necessarily mean that the delegates so elected would be elected on a partisan ticket; does it? Could you still have a nonpartisan election of delegates at partisan election?

MR. HUBBS: Am I permitted to answer, Mr. President?

VICE PRESIDENT HUTCHINSON: You may answer.

MR. HUBBS: In reading the digest of the information that was supplied by these delegates to this convention to the University of Michigan today, I discovered that there are at least 8 people here who classify themselves as independents but who were elected either on the Republican or the Democratic party label. Now I presume that the same thing will happen again in the future, but it is very unlikely that you could hold a partisan election and have a lot of nonpartisans get elected on party labels. There are only 8 of us here out of 144, who are supposedly independents.

MR. YEAGER: Mr. President and Mr. Hubbs, I am sorry; you must have missed the point I wanted to make. The point I wanted to make was that you could have a nonpartisan election, that is, the delegates not being elected by parties but at a partisan election where you had other partisan people elected. What I am getting at is: the statement "at a partisan election" does not clearly define that it should be Republican, Democratic, Socialist, or so on.

MR. HUBBS: I think I see the point that you are making, Mr. Yeager, and if you can offer a perfecting amendment, I would be happy to accept it, because I think you understand the intent of what I am trying to do.

VICE PRESIDENT HUTCHINSON: The time for debate has expired. The question is upon the amendment offered by Mr. Hubbs and —

MR. HIGGS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

MR. HIGGS: How many speakers do you have on your list?

VICE PRESIDENT HUTCHINSON: Well, the Chair has 3 more.

MR. HIGGS: I would move that debate be extended 6 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Higgs moves to extend debate 6 minutes. All those in favor will say aye. Opposed will say no.

The motion does not prevail.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Hubbs and Mrs. Conklin, which has been read. All of those in favor will say aye. Those opposed will say no.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand supported? There is a sufficient number. Division is supported.

MRS. CUSHMAN: Yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman demands the yeas and nays. Is the demand for the yeas and nays supported?

SECRETARY CHASE: Thirty-one. A sufficient number.

VICE PRESIDENT HUTCHINSON: A sufficient number up. The yeas and nays are ordered. Clear the board, please. Mr. Mosier, clear the board. Mr. Lawrence — all right. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. BOOTHBY: Mr. President, could I ask for the president's vote on this?

VICE PRESIDENT HUTCHINSON: The Chair votes no.

MR. MARSHALL: Mr. President, could I demand Delegate Bootnby's vote? (laughter)

MR. BOOTHBY: Yes.

The roll was called and the delegates voted as follows:

Yeas—67

Austin	Hart, Miss	Perras
Balcer	Haskill	Plank
Batchelor	Hatch	Powell
Beaman	Hatcher, Mrs.	Prettie
Blandford	Hoxie	Radka
Boothby	Hubbs	Richards, J. B.
Bradley	Iverson	Shackleton
Brake	Karn	Shaffer
Buback	Kelsey	Shanahan
Conklin, Mrs.	Kirk, S.	Snyder
Cudlip	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Mahinske	Stevens
Douglas	Marshall	Stopczynski
Downs	Martin	Suzore
Elliott, Mrs. Daisy	McAllister	Thomson
Everett	Millard	Tweedie
Faxon	Mosier	Walker
Finch	Murphy	Wood
Ford	Pellow	Yeager

Garvin	Perlich	Young
Gover		

Nays—57

Allen	Greene	Nord
Andrus, Miss	Habermehl	Norris
Barthwell	Hanna, W. F.	Ostrow
Bentley	Hannah, J. A.	Page
Bledsoe	Heideman	Pollock
Bonisteel	Higgs	Pugsley
Butler, Mrs.	Howes	Rajkovich
Cushman, Mrs.	Hutchinson	Richards, L. W.
Dell	Jones	Rood
DeVries	Judd, Mrs.	Sablich
Donnelly, Miss	Krolikowski	Seyferth
Durst	Kuhn	Spitler
Elliott, A. G.	Lawrence	Staiger
Erickson	Lesinski	Turner
Farnsworth	Madar	Upton
Figy	McCauley	Van Dusen
Follo	McGowan, Miss	Wanger
Gadola	McLogan	Wilkowski
Goebel	Nisbet	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hubbs and Mrs. Conklin, the yeas are 67; the nays are 57.

VICE PRESIDENT HUTCHINSON: The amendment is adopted. Any further amendments?

MR. HABERMEHL: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: If this last amendment is the wish of the convention, I would simply like to call the attention of the convention to section 3, line 41, in the second column, and suggest that the language there in large type reading "if the legislature provides for partisan election of delegates," is no longer necessary.

VICE PRESIDENT HUTCHINSON: The committee on style and drafting will take note, Mr. Habermehl. Mr. Higgs.

MR. HIGGS: Mr. President, may I inquire how many votes were cast on this? Can I get that vote again?

VICE PRESIDENT HUTCHINSON: There were 67 for and 57 against.

MR. HIGGS: Is a motion to reconsider in order?

VICE PRESIDENT HUTCHINSON: It is.

DELEGATES: No.

MR. HIGGS: I move to reconsider.

VICE PRESIDENT HUTCHINSON: Mr. Higgs moves to reconsider.

MR. HIGGS: I haven't spoken on this matter before. I asked for an extension of time so I could speak before we voted. It was not the will of the convention to grant an extension of time, so I move to reconsider at this time because I want to speak on it, and because I truly would appreciate your serious consideration of this matter.

Now I recognize that we are all here elected on a partisan basis and I feel that my record as a partisan in my party is a good record, and I do not hesitate or apologize for speaking right now in favor of deleting this section —

MR. WALKER: Point of order.

VICE PRESIDENT HUTCHINSON: State the point.

MR. WALKER: I believe the delegate is speaking to the amendment previously before us, not to his motion to reconsider.

Vice PRESIDENT HUTCHINSON: Well, a motion to reconsider goes to the entire matter. As a parliamentary matter the gentleman is in order.

MR. HIGGS: Thank you, Mr. President. Whether or not it has been a wise thing for this election to have been called on a partisan basis will not be established for some years to come. I am not at all satisfied that partisanship in this convention has been entirely a responsible thing. I think we have all seen instances where partisanship has been irresponsible and I would not like to tie the hands of the legislature in this particular matter.

I sincerely and earnestly urge that you do not approach this in a narrow, partisan view. We must decide what is best for the state of Michigan. We have not had the experience in the past of a constitutional convention since 1908, and I do not think that we are in a position here today to judge as to whether or not this has truly been a wise decision.

VICE PRESIDENT HUTCHINSON: Mr. Arthur Elliott.

MR. A. G. ELLIOTT: Mr. President and ladies and gentlemen, I would like to urge that you do carefully reconsider this, not because I am a nonpartisan but because I am a partisan, and I think that we are here again getting into an area of statutory language that we do not want to lock into a constitution when we do not know what the future holds.

We are in the final hours, now, of finishing our third reading. This issue, really, has been debated and debated and debated on first and second reading and each time it was defeated. I don't know whether this is because we are in these final hours that we are doing some of these things or taking some of these approaches, but I would strongly urge that you do not now start to legislate more completely than we already have. We are within a page or 2 of being finished and I can see many reasons why we should leave to the legislature of the future the ground rules for this next constitutional convention which will be held here for the state of Michigan.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: I move the previous question at this time, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Perras moves the previous question. Is the demand for the previous question supported? The demand is supported —

MR. WANGER: How many speakers does the Chair have on the list?

VICE PRESIDENT HUTCHINSON: Four more.

MR. WANGER: I move to limit debate to 8 minutes with —

VICE PRESIDENT HUTCHINSON: Five more.

MR. WANGER: Oh — to 10 minutes with 2 minutes for each of the remaining speakers.

VICE PRESIDENT HUTCHINSON: Mr. Wanger moves to limit debate upon the motion to reconsider to 10 minutes with 2 minutes for each speaker. All those in favor of limiting debate will say aye. Opposed will say no.

The motion does not prevail. Mr. Perras moves the previous question. Is the demand for the previous question supported? The demand is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed will say no.

The previous question is ordered. The question is upon the motion of —

MR. BARTHWELL: Division.

VICE PRESIDENT HUTCHINSON: A division? A division is requested. Is the demand for a division supported?

SECRETARY CHASE: Nine.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question is upon the motion of Mr. Higgs to reconsider the vote by which the amendment of Mr. Hubbs and Mrs. Conklin was adopted. All those in favor of reconsideration will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye and those opposed will vote no. Clear the board, please. Mrs. Conklin, will you please clear the board? Mr. Cudlip, will you please clear the board? Judge Gadola? Mr. Goebel? Mr. Hoxie? Mr. Gover? Clear the board. Thank you. All those in favor of reconsideration will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: May I demand Delegate Boothby's vote, please?

VICE PRESIDENT HUTCHINSON: You can demand it but he does not need to respond to the demand unless he wants to. Mr. Boothby has voted.

SECRETARY CHASE: On the motion to reconsider, the yeas are 58; the nays are 61.

VICE PRESIDENT HUTCHINSON: The motion to reconsider does not prevail. The secretary will read the next amendment.

[Mr. Danhof, having previously been excused, entered the chamber.]

SECRETARY CHASE: That was the last amendment, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article XII. Mr. Downs.

MR. DOWNS: Mr. President, and fellow delegates, this article —

VICE PRESIDENT HUTCHINSON: The convention will please be in order.

MR. DOWNS: — is in many ways one of the most important parts of the constitution before us, and I rise to urge a no vote for some reasons that were considered in committee of the whole and second reading in our section on apportionment. I want to point out that in section 3, where we say that future conventions will be on the basis of one senator and one representative district, we are, in turn, basing that upon a legislative body that is not truly representative. And the result is that we are dooming future conventions, regardless of the good will and the integrity of the individuals thereof, to be nonrepresentative of the people of the state, and the document must be returned to the people on a truly representative basis.

I cite figures I have received for our own convention that in this convention the Democratic delegates at the con con received 779,000 votes, the Republicans 991,000 votes. If the representation of the convention were on a more accurate representation of the people, we would have had 63 Democrats and 81 Republicans. I make this not in reference to any individual delegate but point out the party difference would have been 18 rather than 54, which is much closer to the true representation of the people throughout Michigan. I believe that any convention, to be truly successful, must start by being truly representative and I therefore urge a no vote on article XII in the hope that between now and the wind up of the convention we can make corrections on the apportionment problem or devise a different means for selecting con con delegates.

The same principle indirectly applies to section 1, where it says 2/3 of both houses are needed to put an amendment on the ballot and the 2/3, again, could represent less than a majority of the people or substantially more than 2/3 depending upon where they were selected. For those reasons I urge a no vote on the article.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I would like to ask a question of Mr. Downs, through the Chair, if I may.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. PERRAS: This is a question that I have wanted to ask since the convention started. Now he has just advocated voting no on this article because of the way that the apportionment is at this present time. Now I would like to ask this question if I may: if the thing was reversed and the minority party had control of the senate and of the house of representatives, would his answer then be the same as it is now?

MR. DOWNS: I would hope, Mr. Perras, that the answer would be the same. I wish to point out that it may be a mistake for those of us that are asking equality. We should perhaps be asking for super equality for the next 50 years to make up for the inequalities of the last 50 years, then compromise on equality. Perhaps that has been our basic mistake in the whole convention.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and fellow delegates, I would just like to suggest to Mr. Downs that after 1970 Michigan will probably have the best apportioned 2 chamber legislature in the United States.

VICE PRESIDENT HUTCHINSON: Mr. Marshall. Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I want to echo what Delegate Downs says and I also would like to say to Delegate Perras: just try us. Give us a senate apportioned on the basis of straight population. Give us a chance and we will show you that Delegate Downs will keep his word.

VICE PRESIDENT HUTCHINSON: Mr. Walker.

MR. WALKER: I suggest to Mr. Stevens that if this proposed apportionment is so good in 1975, why isn't it any good today?

MR. PERRAS: I move the previous question now, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Perras moves the previous question. Is the demand for the previous question on the article supported? It is supported; 10 or more are up. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The motion prevails. The previous question is ordered. The question now is upon the passage of article XII, as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—90

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

Nays—34

Austin	Hart, Miss	Ostrow
Balcer	Hatcher, Mrs.	Pellow
Barthwell	Jones	Perlich
Bradley	Kelsey	Sablich
Buback	Krolikowski	Snyder
Douglas	Madar	Stopczynski
Downs	Mahinske	Suzore
Elliott, Mrs. Daisy	Marshall	Walker
Faxon	Murphy	Wilkowski
Ford	Nord	Young
Garvin	Norris	Youngblood
Greene		

SECRETARY CHASE: On the passage of article XII, as amended, the yeas are 90; the nays are 34.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article XII,** as amended, is passed.

For section 1 of article XII as passed, see above, page 3072.

Following is section 2 of Article XII as amended and passed by the convention:

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, 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.

Following is section 3 of article XII as amended and passed:

Section 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office 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 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.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, at this time, before considering the next article or the next provision of the constitution, I would move to reconsider the vote on **article V**, which was passed yesterday, dealing with the executive branch.

For vote on passage of article V, see above, page 3124.

To be very candid with you, very frank, the purpose of doing this is for one purpose only, and that is to reconsider the vote by which the highway commissioner was made an appointive rather than an elective officer. Two amendments are on the secretary's desk relative to this matter which would make this office the same as the secretary of state and the attorney general relative to election, nominations, vacancies and what have you. It is very simple. It is for that purpose only. I would therefore urge a yes vote on reconsideration of the vote by which the executive article passed yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Downs, on the motion to reconsider.

MR. DOWNS: Mr. President and fellow delegates, I rise in support of the motion on reconsideration. I believe on this motion we are entitled to speak on the merits of the question and what I would more properly call the demerits.

We now have the matter of the highway commissioner, as we know, left up to the legislature and it is an elected one. There was also a dispute, I would say, within the convention as to whether the highway commissioner should be elected or whether he should be appointed by the governor. There were arguments for both. I favored the first. What we ended up with was a monstrosity that has neither the advantages of the elected system nor that of the appointed one. It divides responsibility. Our old friend, advice and consent, enters in through the back door and the present setup that was adopted is one that absolutely refutes the concept of responsibility. I cannot conceive of either a business or government operating effectively under this system. The vote was close. I urge the reconsideration in hopes that we can change what we did on the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, a parliamentary inquiry. Can an article which has been passed on third reading by a majority of all delegates elected and serving in the convention now be reconsidered by a simple majority of those present?

VICE PRESIDENT HUTCHINSON: Yes, it can, Mr. Bentley. It will still take 73 votes to adopt it the second time, but the rules of the convention permit a reconsideration by a majority of the votes cast. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, it seems hardly necessary to speak at this late hour against a move to reconsider, but I do want to do so.

I would call the convention's attention to the fact that article V, yesterday, at a much more favorable hour than now, passed by a vote of 91 to 35. Now, certainly, the big majority of us thought that we had a very, very satisfactory article. I submit to you, my friends, that the mood that this particular convention is in at this time of night, any time — and here we are on the last day of the convention — is no time to move for a reconsideration on something that we settled with such a decisive vote as we did this. I urge you to vote against reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might we hear the amendments which Mr. Brown proposes to offer if reconsideration is granted?

VICE PRESIDENT HUTCHINSON: The secretary will read them. They are not before the body at the present time.

SECRETARY CHASE: Mr. Garry Brown has filed the following amendments to article V —

MR. BARTHWELL: I object. I don't see how this is in order.

VICE PRESIDENT HUTCHINSON: What?

MR. BARTHWELL: You ought to have a vote before you read them.

VICE PRESIDENT HUTCHINSON: Objection is heard. The

SECRETARY CHASE: Nineteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question remains upon the motion to postpone. The previous question has been ordered. All those in favor —

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: For the reasons I have previously stated, I wish to abstain.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown abstains. All those in favor of the motion to postpone will say aye. Opposed will say no.

The motion prevails.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported?

SECRETARY CHASE: Sufficient number.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of postponing will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the motion to postpone consideration of the motion to reconsider until Friday, the yeas are 73; the nays are 47.

VICE PRESIDENT HUTCHINSON: The motion prevails. The matter is postponed until Friday.

The secreatry will read the schedule.

SECRETARY CHASE: **Schedule and temporary provisions.**

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.

[The schedule, sections 1 through 17, was read by the secretary. For text, see above, page 3073.]

VICE PRESIDENT HUTCHINSON: The schedule has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in the schedule of the proposed revision of the constitution:

section	column	line	Corrections
5	2	36	After "GOVERNOR,", insert "THE".
5	2	37	After "GOVERNOR,", insert "THE".
5	2	38	Before "ATTORNEY" insert "THE".
6	2	47	After "IV" insert a comma.

VICE PRESIDENT HUTCHINSON: Without objection, it is so ordered. [Corrections made above.] The secretary will report on amendment.

SECRETARY CHASE: Messrs. Brake, Garry Brown, Dehnke, W. F. Hanna and Rood offer the following amendment:

1. Amend the schedule, section 6 (column 2, line 52) after "census,", by inserting "unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2,"; so the language will then read:

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: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon this amendment to 5 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. Debate is limited. The Chair recognizes Judge Dehnke.

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

MR. DEHNKE: Mr. President and fellow delegates, this section 6 of the schedule is before you and this amendment proposes an addition of some words to deal with possible contingencies that may arise in the next few years. The amendment is to add after the word "census" as stated in the amendment, the words "and unless otherwise provided by law enacted after the effective date of this constitution, giving immediate effect to said Article IV, Section 2." The proviso is designed to take care of possible contingencies and give the legislature authorization to deal with them. This amendment is presented in the hope that it will serve a useful purpose in that respect.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown is recognized next. I will recognize you next, Mr. Downs.

MR. G. E. BROWN: I will pass to Mr. Downs.

VICE PRESIDENT HUTCHHINSON: Mr. Downs.

MR. DOWNS: Through the Chair, could I ask Judge Dehnke if he could be a little more specific about the contingencies he referred to?

MR. DEHNKE: Well, Mr. President and Mr. Downs, I think all of us have lived long enough that in this life we have to expect contingencies; there will be anticipated and unanticipated contingencies. It is my expectation that this language will be sufficient to meet both kinds. (laughter and applause)

VICE PRESIDENT HUTCHINSON: Mr. Downs, have you concluded?

MR. DOWNS: I am more confused than when the question was asked, but I want to thank Judge Dehnke.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I would first direct a question to the Chair and ask you how many speakers are on the list.

VICE PRESIDENT HUTCHINSON: None at the moment.

MR. NORD: Mr. President.

MR. G. E. BROWN: I would — I would —

VICE PRESIDENT HUTCHINSON: Mr. Nord seeks recognition. I have one.

MR. G. E. BROWN: I would then yield to Mr. Nord with the right to be restored to the floor.

VICE PRESIDENT HUTCHINSON: Well, does Mr. Nord accept the floor being yielded on that condition?

MR. NORD: I do not.

MR. DEHNKE: Mr. President, may I make a correction in the statement I made before? The amendment reads a little differently from the way I read it a few minutes ago. It is correct on the board. It is, ". . . unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2."

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Since I was entitled to the floor, there is only one thing I would have to say. I would support what Judge Dehnke has said. That is that occasions may suggest what this amendment suggests, or there may be an occasion when it is required. I think that is simple enough. I think that Mr. Downs understands it. I think that Dr. Nord understands it.

I would only suggest to Dr. Nord — when he refuses to accept the floor when it has been yielded to him — that I don't have too much credit to give to, or take much substance from, the argument of those who will not let someone else have at least a chance to answer what they have said.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I don't know to whom Mr. Brown is referring, but I suppose it is some delegate or other. But in any event, I would like to answer not Mr. Brown but Judge Dehnke. It appears to me that this amendment suffers from 2 defects. The problem that faces us is a severe problem. The language before us is unconstitutional language. I believe many of us are quite clear in our minds on that point and what we have before us on the wall is too little — that is one defect — and it is too late — that is the other. By "too late" I mean that the time to make this cure is now and not some time between now and 1970. Now.

I suggest, therefore, that if we are going to tackle the problem let us tackle it here, tonight, or on Friday. Let us not turn it over to the legislature. The language before us is extremely objectionable and, while there may not be much on the wall for

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-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

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

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

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

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

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

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

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

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

therefor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

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

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

Article XI
Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

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

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

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

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

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

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

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

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

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

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

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

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

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

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

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

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

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

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

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

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

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

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

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

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

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

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

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

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

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

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

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

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.

Attorney General to recommend necessary laws.

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.

This is a revision of Sec. 8 of the Schedule of the present constitution. It authorizes the attorney general to recommend to the legislature necessary changes in existing laws if the revised constitution is adopted.

Writs, actions, claims, etc., remain effective.

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.*

This is a revision of Sec. 2 of the Schedule of the present constitution. It specifies that existing writs, actions, claims, etc. remain effective if the revised constitution is adopted, except as modified in accordance with the provisions of the document.

Officers continue their duties.

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.

This is a revision of Sec. 5 of the Schedule of the present constitution. It insures the tenure of present elective and appointive officers, under the conditions specified, if the revised constitution is adopted.

Terms of officers elected November, 1962.

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.

This is a new section specifying that officers elected at the same election at which this revised constitution is submitted to the people shall take office and continue to serve until their successors are elected and qualified.

Terms of governor, etc. elected 1964; when four-year terms begin.

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.

This is a new section providing for transition from two-year to four-year terms for elected state officials and senators. It specifies that the first election of such officers for four-year terms will be held in November, 1966, thus separating gubernatorial from presidential elections.

Supreme court; reduction to seven justices.

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.

This is a new section providing that the present supreme court will continue to consist of eight justices if this revised constitution is adopted. A vacancy in the court due to death, retirement or resignation will not be filled, thus reducing the court to the seven members specified in the Judicial Article.

Judges of probate; eligible for reelection.

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.

This is a new section providing that non-lawyer probate judges may continue to serve and be candidates for reelection to their posts if this revised constitution is adopted.

Overlapping terms for judiciary.

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.

This is a new section directing the legislature to design judicial election procedure to provide for the overlapping terms specified in the judicial article.