

HOUSE JOINT RESOLUTION Q

June 19, 2001, Introduced by Reps. Ruth Johnson, Lemmons, Bovin and Godchaux and referred to the Committee on House Oversight and Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, section 8 of article III, sections 1, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 27, 29, 30, 31, 33, 37, 43, 53, and 54 of article IV, sections 2, 3, 6, 7, 13, 18, 20, 25, 26, 28, and 29 of article V, sections 1 and 25 of article VI, section 6 of article VIII, sections 15 and 27 of article IX, section 5 of article X, sections 5 and 7 of article XI, and sections 1 and 3 of article XII; adding section 1a to article IV and a schedule and temporary provisions; and repealing sections 2, 3, 4, 6, and 21 of article IV, to provide for the establishment of a unicameral legislature.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the establishment of a

unicameral legislature, is proposed, agreed to, and submitted to the people of the state:

1 ARTICLE II

2 Sec. 9. The people reserve to themselves the power to pro-
3 pose laws and to enact and reject laws, called the initiative,
4 and the power to approve or reject laws enacted by the legisla-
5 ture, called the referendum. The power of initiative extends
6 only to laws which the legislature may enact under this
7 constitution. The power of referendum does not extend to acts
8 making appropriations for state institutions or to meet deficien-
9 cies in state funds and must be invoked in the manner prescribed
10 by law within 90 days following the final adjournment of the leg-
11 islative session at which the law was enacted. To invoke the
12 initiative or referendum, petitions signed by a number of regis-
13 tered electors, not less than eight percent for initiative and
14 five percent for referendum of the total vote cast for all candi-
15 dates for governor at the last preceding general election at
16 which a governor was elected shall be required.

17 No law as to which the power of referendum properly has been
18 invoked shall be effective thereafter unless approved by a major-
19 ity of the electors voting thereon at the next general election.

20 Any law proposed by initiative petition shall be either
21 enacted or rejected by the legislature without change or amend-
22 ment within 40 session days from the time such petition is
23 received by the legislature. If any law proposed by such
24 petition shall be enacted by the legislature it shall be subject
25 to referendum, as hereinafter provided.

1 If the law so proposed is not enacted by the legislature
2 within the 40 days, the state officer authorized by law shall
3 submit such proposed law to the people for approval or rejection
4 at the next general election. The legislature may reject any
5 measure so proposed by initiative petition and propose a differ-
6 ent measure upon the same subject by a yea and nay vote upon sep-
7 arate roll calls, and in such event both measures shall be sub-
8 mitted by such state officer to the electors for approval or
9 rejection at the next general election.

10 Any law submitted to the people by either initiative or ref-
11 erendum petition and approved by a majority of the votes cast
12 thereon at any election shall take effect 10 days after the date
13 of the official declaration of the vote. No law initiated or
14 adopted by the people shall be subject to the veto power of the
15 governor, and no law adopted by the people at the polls under the
16 initiative provisions of this section shall be amended or
17 repealed, except by a vote of the electors unless otherwise pro-
18 vided in the initiative measure or by three-fourths of the mem-
19 bers elected to and serving in ~~each house of~~ the legislature.
20 Laws approved by the people under the referendum provision of
21 this section may be amended by the legislature at any subsequent
22 session thereof. If two or more measures approved by the elec-
23 tors at the same election conflict, ~~that~~ THE MEASURE receiving
24 the highest affirmative vote shall prevail.

25 The legislature shall implement the provisions of this
26 section.

1 ARTICLE III

2 Sec. 8. ~~Either house of the~~ THE legislature or the gover-
3 nor may request the opinion of the supreme court on important
4 questions of law upon solemn occasions as to the constitutional-
5 ity of legislation after it has been enacted into law but before
6 its effective date.

7 ARTICLE IV

8 Sec. 1. ~~The~~ THROUGH DECEMBER 31, 2004, THE legislative
9 power of the State of Michigan is vested in a senate and a house
10 of representatives.

11 BEGINNING JANUARY 1, 2005, THE LEGISLATIVE POWER OF THE
12 STATE OF MICHIGAN IS VESTED IN A LEGISLATURE CONSISTING OF ONE
13 CHAMBER. THE LEGISLATURE SHALL CONSIST OF MEMBERS ELECTED FOR
14 STAGGERED FOUR-YEAR TERMS AS PROVIDED BY LAW. THE LEGISLATURE
15 SHALL CONSIST OF 110 MEMBERS FROM SINGLE MEMBER DISTRICTS APPOR-
16 TIONED ON THE BASIS OF POPULATION.

17 SEC. 1A. ALL AUTHORITY VESTED BY THE CONSTITUTION OR LAWS
18 OF THIS STATE IN THE SENATE, HOUSE OF REPRESENTATIVES, OR JOINT
19 SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, AS APPLICA-
20 BLE, IS VESTED IN A LEGISLATURE OF ONE CHAMBER. ALL PROVISIONS
21 IN THE CONSTITUTION AND LAWS OF THIS STATE RELATING TO THE LEGIS-
22 LATURE, THE SENATE, THE HOUSE OF REPRESENTATIVES, JOINT SESSIONS
23 OF THE SENATE AND HOUSE OF REPRESENTATIVES, SENATOR, OR MEMBER OF
24 THE HOUSE OF REPRESENTATIVES, AS APPLICABLE, APPLY TO AND MEAN A
25 LEGISLATURE OF ONE CHAMBER AND ITS MEMBERS. ALL REFERENCES TO
26 CLERK OF THE HOUSE OF REPRESENTATIVES OR SECRETARY OF THE SENATE
27 MEAN, WHEN APPLICABLE, THE CLERK OF THE LEGISLATURE OF ONE

1 CHAMBER. ALL REFERENCES TO SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES OR TEMPORARY PRESIDENT OF THE SENATE MEAN THE
3 MAJORITY LEADER OF THE LEGISLATURE. IF A PROVISION OF THE CON-
4 STITUTION REQUIRES SUBMISSION OF ANY MATTER TO, OR ACTION BY, THE
5 HOUSE OF REPRESENTATIVES, THE SENATE, OR JOINT SESSION OF THE
6 SENATE AND HOUSE OF REPRESENTATIVES, OR THE MEMBERS OF EITHER
7 BODY OR BOTH BODIES, IT MEANS THE LEGISLATURE OF ONE CHAMBER CRE-
8 ATED IN THIS ARTICLE.

9 THIS SECTION SHALL TAKE EFFECT JANUARY 1, 2005.

10 ~~Sec. 2. The senate shall consist of 38 members to be~~
11 ~~elected from single member districts at the same election as the~~
12 ~~governor for four-year terms concurrent with the term of office~~
13 ~~of the governor.~~

14 ~~In districting the state for the purpose of electing sena-~~
15 ~~tors after the official publication of the total population count~~
16 ~~of each federal decennial census, each county shall be assigned~~
17 ~~apportionment factors equal to the sum of its percentage of the~~
18 ~~state's population as shown by the last regular federal decennial~~
19 ~~census computed to the nearest one-one hundredth of one percent~~
20 ~~multiplied by four and its percentage of the state's land area~~
21 ~~computed to the nearest one-one hundredth of one percent.~~

22 ~~In arranging the state into senatorial districts, the appor-~~
23 ~~tionment commission shall be governed by the following rules:~~

24 ~~(1) Counties with 13 or more apportionment factors shall be~~
25 ~~entitled as a class to senators in the proportion that the total~~
26 ~~apportionment factors of such counties bear to the total~~
27 ~~apportionment factors of the state computed to the nearest whole~~

1 number. After each such county has been allocated one senator,
2 the remaining senators to which this class of counties is enti=
3 tled shall be distributed among such counties by the method of
4 equal proportions applied to the apportionment factors.

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

16 (3) Counties entitled to two or more senators shall be
17 divided into single member districts. The population of such
18 districts shall be as nearly equal as possible but shall not be
19 less than 75 per cent nor more than 125 percent of a number
20 determined by dividing the population of the county by the number
21 of senators to which it is entitled. Each such district shall
22 follow incorporated city or township boundary lines to the extent
23 possible and shall be compact, contiguous, and as nearly uniform
24 in shape as possible.

25 Sec. 3. The house of representatives shall consist of 110
26 members elected for two-year terms from single member districts
27 apportioned on a basis of population as provided in this

~~1 article. The districts shall consist of compact and convenient
2 territory contiguous by land.~~

~~3 Each county which has a population of not less than
4 seven-tenths of one percent of the population of the state shall
5 constitute a separate representative area. Each county having
6 less than seven-tenths of one percent of the population of the
7 state shall be combined with another county or counties to form a
8 representative area of not less than seven-tenths of one percent
9 of the population of the state. Any county which is isolated
10 under the initial allocation as provided in this section shall be
11 joined with that contiguous representative area having the small-
12 est percentage of the state's population. Each such representa-
13 tive area shall be entitled initially to one representative.~~

~~14 After the assignment of one representative to each of the
15 representative areas, the remaining house seats shall be appor-
16 tioned among the representative areas on the basis of population
17 by the method of equal proportions.~~

~~18 Any county comprising a representative area entitled to two
19 or more representatives shall be divided into single member rep-
20 resentative districts as follows:~~

~~21 (1) The population of such districts shall be as nearly
22 equal as possible but shall not be less than 75 percent nor more
23 than 125 percent of a number determined by dividing the popula-
24 tion of the representative area by the number of representatives
25 to which it is entitled.~~

~~26 (2) Such single member districts shall follow city and
27 township boundaries where applicable and shall be composed of~~

1 compact and contiguous territory as nearly square in shape as
2 possible.

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

7 ~~Sec. 4. In counties having more than one representative or~~
8 ~~senatorial district, the territory in the same county annexed to~~
9 ~~or merged with a city between apportionments shall become a part~~
10 ~~of a contiguous representative or senatorial district in the city~~
11 ~~with which it is combined, if provided by ordinance of the city.~~
12 ~~The district or districts with which the territory shall be com-~~
13 ~~bined shall be determined by such ordinance certified to the sec-~~
14 ~~retary of state. No such change in the boundaries of a represen-~~
15 ~~tative or senatorial district shall have the effect of removing a~~
16 ~~legislator from office during his term.~~

17 ~~Sec. 6. A commission on legislative apportionment is~~
18 ~~hereby established consisting of eight electors, four of whom~~
19 ~~shall be selected by the state organizations of each of the two~~
20 ~~political parties whose candidates for governor received the~~
21 ~~highest vote at the last general election at which a governor was~~
22 ~~elected preceding each apportionment. If a candidate for gover-~~
23 ~~nor of a third political party has received at such election more~~
24 ~~than 25 percent of such gubernatorial vote, the commission shall~~
25 ~~consist of 12 members, four of whom shall be selected by the~~
26 ~~state organization of the third political party. One resident of~~
27 ~~each of the following four regions shall be selected by each~~

~~1 political party organization: (1) the upper peninsula; (2) the
2 northern part of the lower peninsula, north of a line drawn along
3 the northern boundaries of the counties of Bay, Midland,
4 Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan,
5 those counties south of region (2) and west of a line drawn along
6 the western boundaries of the counties of Bay, Saginaw,
7 Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern
8 Michigan, the remaining counties of the state.~~

~~9 No officers or employees of the federal, state, or local
10 governments, excepting notaries public and members of the armed
11 forces reserve, shall be eligible for membership on the
12 commission. Members of the commission shall not be eligible for
13 election to the legislature until two years after the apportion-
14 ment in which they participated becomes effective.~~

~~15 The commission shall be appointed immediately after the
16 adoption of this constitution and whenever apportionment or dis-
17 tricting of the legislature is required by the provisions of this
18 constitution. Members of the commission shall hold office until
19 each apportionment or districting plan becomes effective.
20 Vacancies shall be filled in the same manner as for original
21 appointment.~~

~~22 The secretary of state shall be secretary of the commission
23 without vote, and in that capacity shall furnish, under the
24 direction of the commission, all necessary technical services.
25 The commission shall elect its own chairman, shall make its own
26 rules of procedure, and shall receive compensation provided by~~

~~1 law. The legislature shall appropriate funds to enable the
2 commission to carry out its activities.~~

~~3 Within 30 days after the adoption of this constitution, and
4 after the official total population count of each federal decen-
5 nial census of the state and its political subdivisions is avail-
6 able, the secretary of state shall issue a call convening the
7 commission not less than 30 nor more than 45 days thereafter.
8 The commission shall complete its work within 180 days after all
9 necessary census information is available. The commission shall
10 proceed to district and apportion the senate and house of repre-
11 sentatives according to the provisions of this constitution. All
12 final decisions shall require the concurrence of a majority of
13 the members of the commission. The commission shall hold public
14 hearings as may be provided by law.~~

~~15 Each final apportionment and districting plan shall be pub-
16 lished as provided by law within 30 days from the date of its
17 adoption and shall become law 60 days after publication. The
18 secretary of state shall keep a public record of all the proceed-
19 ings of the commission and shall be responsible for the publica-
20 tion and distribution of each plan.~~

~~21 If a majority of the commission cannot agree on a plan, each
22 member of the commission, individually or jointly with other mem-
23 bers, may submit a proposed plan to the supreme court. The
24 supreme court shall determine which plan complies most accurately
25 with the constitutional requirements and shall direct that it be
26 adopted by the commission and published as provided in this
27 section.~~

1 ~~Upon the application of any elector filed not later than 60~~
2 ~~days after final publication of the plan, the supreme court, in~~
3 ~~the exercise of original jurisdiction, shall direct the secretary~~
4 ~~of state or the commission to perform their duties, may review~~
5 ~~any final plan adopted by the commission, and shall remand such~~
6 ~~plan to the commission for further action if it fails to comply~~
7 ~~with the requirements of this constitution.~~

8 Sec. 7. Each ~~senator and representative~~ STATE LEGISLATOR
9 must be a citizen of the United States, at least ~~21~~ 18 years of
10 age, and an elector of the district he OR SHE represents. The
11 removal of ~~his~~ A LEGISLATOR'S domicile from the district shall
12 be deemed a vacation of the office. No person who has been con-
13 victed of subversion or who has within the preceding 20 years
14 been convicted of a felony involving a breach of public trust
15 shall be eligible ~~for either house of~~ TO SERVE IN the
16 legislature.

17 Sec. 8. No person holding any office, employment or posi-
18 tion under the United States or this state or a political subdi-
19 vision thereof, except notaries public and members of the armed
20 forces reserve, may be a member of ~~either house of~~ the
21 legislature.

22 Sec. 11. Except as provided by law, ~~senators and~~
23 ~~representatives~~ A STATE LEGISLATOR shall be privileged from
24 civil arrest and civil process during sessions of the legislature
25 and for five days next before the commencement and after the
26 termination thereof. ~~They~~ A STATE LEGISLATOR shall not be

1 questioned in any other place for any speech in ~~either house~~
2 THE LEGISLATURE.

3 Sec. 12. The state officers compensation commission is cre-
4 ated which shall ~~determine~~ MAKE RECOMMENDATIONS ON the salaries
5 and expense allowances of the members of the legislature, the
6 governor, the lieutenant governor, and the justices of the
7 supreme court. The commission shall consist of ~~7~~ SEVEN members
8 appointed by the governor. The commission shall determine the
9 salaries and expense allowances of the members of the legisla-
10 ture, the governor, the lieutenant governor and the justices of
11 the supreme court which determinations shall be the salaries and
12 expense allowances unless the legislature by concurrent resolu-
13 tion adopted by ~~2/3~~ TWO-THIRDS of the members elected to and
14 serving in each house of the legislature reject them. The com-
15 mission shall meet each ~~2~~ FOUR years for no more than 15 ses-
16 sion days. The legislature shall implement this section by law.

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

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

1 consideration of any measure. ~~Each house~~ THE LEGISLATURE shall
2 be the sole judge of the qualifications, elections, and returns
3 of its members, and may, with the concurrence of two-thirds of
4 all the members elected thereto and serving therein, expel a
5 member. The reasons for such expulsion shall be entered in the
6 journal, with the votes and names of the members voting upon the
7 question. No member shall be expelled a second time for the same
8 cause.

9 Sec. 17. ~~Each house of the~~ THE legislature may establish
10 the committees necessary for the efficient conduct of its
11 business. ~~and the legislature may create joint committees.~~ On
12 all actions on bills and resolutions in each committee, names and
13 votes of members shall be recorded. Such vote shall be available
14 for public inspection. Notice of all committee hearings and a
15 clear statement of all subjects to be considered at each hearing
16 shall be published in the journal in advance of the hearing.

17 Sec. 18. ~~Each house~~ THE LEGISLATURE shall keep a journal
18 of its proceedings, and publish the same unless the public secur-
19 ity otherwise requires. The record of the vote and name of the
20 members ~~of either house~~ voting on any question shall be entered
21 in the journal at the request of one-fifth of the members
22 present. Any member ~~of either house~~ may dissent from and pro-
23 test against any act, proceeding, or resolution which he OR SHE
24 deems injurious to any person or the public, and have the reason
25 for his OR HER dissent entered in the journal.

26 Sec. 19. All elections in ~~either house or in joint~~
27 ~~convention~~ THE LEGISLATURE and all votes on appointments

1 submitted to the ~~senate~~ LEGISLATURE for advice and consent
2 shall be published by vote and name in the journal.

3 Sec. 20. The doors of ~~each house~~ THE LEGISLATURE shall be
4 open unless the public security otherwise requires.

5 ~~Sec. 21. Neither house shall, without the consent of the~~
6 ~~other, adjourn for more than two intervening calendar days, nor~~
7 ~~to any place other than where the legislature may then be in~~
8 ~~session.~~

9 Sec. 22. All legislation shall be by bill. ~~and may origi-~~
10 ~~nate in either house.~~

11 Sec. 24. No law shall embrace more than one object, which
12 shall be expressed in its title. No bill shall be altered or
13 amended on its passage through ~~either house~~ THE LEGISLATURE so
14 as to change its original purpose as determined by its total con-
15 tent and not alone by its title.

16 Sec. 26. No bill shall be passed or become a law at any
17 regular session of the legislature until it has been printed or
18 reproduced and in the possession of ~~each house~~ THE LEGISLATURE
19 for at least five days. Every bill shall be read three times ~~in~~
20 ~~each house~~ before the final passage thereof. No bill shall
21 become a law without the concurrence of a majority of the members
22 elected to and serving in ~~each house~~ THE LEGISLATURE. On the
23 final passage of bills, the votes and names of the members voting
24 thereon shall be entered in the journal.

25 Sec. 27. No act shall take effect until the expiration of
26 90 days from the end of the session at which it was passed, but
27 the legislature may give immediate effect to acts by a two-thirds

1 vote of the members elected to and serving in ~~each house~~ THE
2 LEGISLATURE.

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

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

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

1 the total of all appropriations made from each fund in the
2 general appropriation bills as passed.

3 Sec. 33. Every bill passed by the legislature shall be
4 presented to the governor before it becomes law, and the governor
5 shall have 14 days measured in hours and minutes from the time of
6 presentation in which to consider it. If ~~he~~ THE GOVERNOR
7 approves, he OR SHE shall within that time sign and file it with
8 the secretary of state and it shall become law. If ~~he~~ THE
9 GOVERNOR does not approve, and the legislature has within that
10 time finally adjourned the session at which the bill was passed,
11 it shall not become law. If ~~he~~ THE GOVERNOR disapproves, and
12 the legislature continues the session at which the bill was
13 passed, ~~he~~ THE GOVERNOR shall return it TO THE LEGISLATURE
14 within such 14-day period with his OR HER objections. ~~, to the~~
15 ~~house in which it originated. That house~~ THE LEGISLATURE shall
16 enter such objections in full in its journal and reconsider the
17 bill. If two-thirds of the members elected to and serving in
18 ~~that house~~ THE LEGISLATURE pass the bill notwithstanding the
19 objections of the governor, ~~it shall be sent with the objections~~
20 ~~to the other house for reconsideration. The~~ THE bill shall
21 become law. ~~if passed by two-thirds of the members elected to~~
22 ~~and serving in that house.~~ The vote of ~~each house~~ THE
23 LEGISLATURE shall be entered in the journal with the votes and
24 names of the members voting thereon. If any bill is not returned
25 by the governor within such 14-day period, the legislature
26 continuing in session, it shall become law as if ~~he~~ THE
27 GOVERNOR had signed it.

1 Sec. 37. The legislature may by ~~concurrent~~ resolution
2 empower a ~~joint~~ committee of the legislature, acting between
3 sessions, to suspend any rule or regulation promulgated by an
4 administrative agency subsequent to the adjournment of the last
5 preceding regular legislative session. Such suspension shall
6 continue no longer than the end of the next regular legislative
7 session.

8 Sec. 43. No general law providing for the incorporation of
9 trust companies or corporations for banking purposes, or regulat-
10 ing the business thereof, shall be enacted, amended or repealed
11 except by a vote of two-thirds of the members elected to and
12 serving in ~~each house~~ THE LEGISLATURE.

13 Sec. 53. The legislature by a majority vote of the members
14 elected to and serving in ~~each house~~ THE LEGISLATURE, shall
15 appoint an auditor general, who shall be a certified public
16 accountant licensed to practice in this state, to serve for a
17 term of eight years. ~~He~~ THE AUDITOR GENERAL shall be ineligi-
18 ble for appointment or election to any other public office in
19 this state from which compensation is derived while serving as
20 auditor general and for two years following the termination of
21 his service. ~~He~~ THE AUDITOR GENERAL may be removed for cause
22 at any time by a two-thirds vote of the members elected to and
23 serving in ~~each house~~ THE LEGISLATURE. The auditor general
24 shall conduct post audits of financial transactions and accounts
25 of the state and of all branches, departments, offices, boards,
26 commissions, agencies, authorities, and institutions of the state

1 established by this constitution or by law, and performance post
2 audits thereof.

3 The auditor general upon direction by the legislature may
4 employ independent accounting firms or legal counsel and may make
5 investigations pertinent to the conduct of audits. ~~He~~ THE
6 AUDITOR GENERAL shall report annually to the legislature and to
7 the governor and at such other times as he OR SHE deems necessary
8 or as required by the legislature. ~~He~~ THE AUDITOR GENERAL
9 shall be assigned no duties other than those specified in this
10 section.

11 Nothing in this section shall be construed in any way to
12 infringe the responsibility and constitutional authority of the
13 governing boards of the institutions of higher education to be
14 solely responsible for the control and direction of all expendi-
15 tures from the institutions' funds.

16 The auditor general, his OR HER deputy and one other member
17 of ~~his~~ THE staff OF THE AUDITOR GENERAL shall be exempt from
18 classified civil service. All other members of ~~his~~ THE staff
19 OF THE AUDITOR GENERAL shall have classified civil service
20 status.

21 Sec. 54. No person shall be elected to the office of state
22 ~~representative~~ LEGISLATOR more than three times. ~~No person~~
23 ~~shall be elected to the office of state senate more than two~~
24 ~~times.~~ Any person appointed or elected to fill a vacancy in the
25 ~~house of representatives or the state senate~~ OFFICE OF STATE
26 LEGISLATOR for a period greater than one half of a term of such
27 office, shall be considered to have been elected to serve one

1 time in that office for purposes of this section. This
2 limitation on the number of times a person shall be elected to
3 office shall apply to terms of office beginning on or after
4 January 1, ~~1993~~ 2005.

5 This section shall be self-executing. Legislation may be
6 enacted to facilitate operation of this section, but no law shall
7 limit or restrict the application of this section. If any part
8 of this section is held to be invalid or unconstitutional, the
9 remaining parts of this section shall not be affected but will
10 remain in full force and effect.

11 ARTICLE V

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

20 Subsequent to the initial allocation, the governor may make
21 changes in the organization of the executive branch or in the
22 assignment of functions among its units which he OR SHE considers
23 necessary for efficient administration. Where these changes
24 require the force of law, they shall be set forth in executive
25 orders and submitted to the legislature. Thereafter the
26 legislature shall have 60 calendar days of a regular session, or
27 a full regular session if of shorter duration, to disapprove each

1 executive order. Unless disapproved ~~in both houses~~ by a
2 resolution concurred in by a majority of the members elected to
3 and serving in ~~each house~~ THE LEGISLATURE, each order shall
4 become effective at a date thereafter to be designated by the
5 governor.

6 Sec. 3. The head of each principal department shall be a
7 single executive unless otherwise provided in this constitution
8 or by law. The single executives heading principal departments
9 shall include a secretary of state, a state treasurer, and an
10 attorney general. When a single executive is the head of a prin-
11 cipal department, unless elected or appointed as otherwise pro-
12 vided in this constitution, he OR SHE shall be appointed by the
13 governor by and with the advice and consent of the ~~senate~~
14 LEGISLATURE and ~~he~~ shall serve at the pleasure of the
15 governor.

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

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

1 Sec. 6. Appointment by and with the advice and consent of
2 the ~~senate~~ LEGISLATURE when used in this constitution or laws
3 in effect or hereafter enacted means appointment subject to dis-
4 approval by a majority vote of the members elected to and serving
5 in the ~~senate~~ LEGISLATURE, if such action is taken within 60
6 session days after the date of such appointment. Any appointment
7 not disapproved within such period shall stand confirmed.

8 Sec. 7. Vacancies in any office, appointment to which
9 requires advice and consent of the ~~senate~~ LEGISLATURE, shall be
10 filled by the governor by and with the advice and consent of the
11 ~~senate~~ LEGISLATURE. A person whose appointment has been disap-
12 proved by the ~~senate~~ LEGISLATURE shall not be eligible for an
13 interim appointment to the same office.

14 Sec. 13. The governor shall issue writs of election to fill
15 vacancies in the ~~senate or house of representatives~~
16 LEGISLATURE. Any such election shall be held in a manner pre-
17 scribed by law.

18 Sec. 18. The governor shall submit to the legislature at a
19 time fixed by law, a budget for the ensuing fiscal period setting
20 forth in detail, for all operating funds, the proposed expendi-
21 tures and estimated revenue of the state. Proposed expenditures
22 from any fund shall not exceed the estimated revenue thereof. On
23 the same date, the governor shall submit to the legislature gen-
24 eral appropriation bills to embody the proposed expenditures and
25 any necessary bill or bills to provide new or additional revenues
26 to meet proposed expenditures. The amount of any surplus created
27 or deficit incurred in any fund during the last preceding fiscal

1 period shall be entered as an item in the budget and in one of
2 the appropriation bills. The governor may submit amendments to
3 appropriation bills to be offered in ~~either house~~ THE
4 LEGISLATURE during consideration of the bill, ~~by that house,~~
5 and shall submit bills to meet deficiencies in current
6 appropriations.

7 Sec. 20. No appropriation shall be a mandate to spend. The
8 governor, with the approval of the appropriating ~~committees~~
9 COMMITTEE of the ~~house and senate~~ LEGISLATURE, shall reduce
10 expenditures authorized by appropriations whenever it appears
11 that actual revenues for a fiscal period will fall below the rev-
12 enue estimates on which appropriations for that period were
13 based. Reductions in expenditures shall be made in accordance
14 with procedures prescribed by law. The governor may not reduce
15 expenditures of the legislative and judicial branches or from
16 funds constitutionally dedicated for specific purposes.

17 Sec. 25. The lieutenant governor shall be president of the
18 ~~senate~~ LEGISLATURE, but shall have no vote, unless they be
19 equally divided. ~~He~~ THE LIEUTENANT GOVERNOR may perform duties
20 requested ~~of him~~ by the governor, but no power vested in the
21 governor shall be delegated.

22 Sec. 26. In case of the conviction of the governor on
23 impeachment, ~~his~~ removal OF THE GOVERNOR from office, ~~his~~ OR
24 THE GOVERNOR'S resignation or ~~his~~ death, the lieutenant gover-
25 nor, the elected secretary of state, the elected attorney general
26 and such other persons designated by law shall in that order be
27 governor for the remainder of the governor's term.

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

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

11 The inability of the governor or person acting as governor
12 shall be determined by a majority of the supreme court on ~~joint~~
13 request of the ~~president pro tempore of the senate and the~~
14 ~~speaker of the house of representatives~~ MAJORITY LEADER OF THE
15 LEGISLATURE. Such determination shall be final and conclusive.
16 The supreme court shall upon its own initiative determine if and
17 when the inability ceases.

18 Sec. 28. There is hereby established a state transportation
19 commission, which shall establish policy for the state transpor-
20 tation department transportation programs and facilities, and
21 such other public works of the state, as provided by law.

22 The state transportation commission shall consist of six
23 members, not more than three of whom shall be members of the same
24 political party. They shall be appointed by the governor by and
25 with the advice and consent of the ~~senate~~ LEGISLATURE for
26 three-year terms, no three of which shall expire in the same
27 year, as provided by law.

1 The director of the state transportation department shall be
2 appointed as provided by law and shall be the principal executive
3 officer of the state transportation department and shall be
4 responsible for executing the policy of the state transportation
5 commission.

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

19 The commission shall have power, in accordance with the pro-
20 visions of this constitution and of general laws governing admin-
21 istrative agencies, to promulgate rules and regulations for its
22 own procedures, to hold hearings, administer oaths, through court
23 authorization to require the attendance of witnesses and the sub-
24 mission of records, to take testimony, and to issue appropriate
25 orders. The commission shall have other powers provided by law
26 to carry out its purposes. Nothing contained in this section
27 shall be construed to diminish the right of any party to direct

1 and immediate legal or equitable remedies in the courts of this
2 state.

3 Appeals from final orders of the commission, including cease
4 and desist orders and refusals to issue complaints, shall be
5 tried de novo before the circuit court having jurisdiction pro-
6 vided by law.

7 ARTICLE VI

8 Sec. 1. The judicial power of the state is vested exclu-
9 sively in one court of justice which shall be divided into one
10 supreme court, one court of appeals, one trial court of general
11 jurisdiction known as the circuit court, one probate court, and
12 courts of limited jurisdiction that the legislature may establish
13 by a two-thirds vote of the members elected to and serving in
14 ~~each house~~ THE LEGISLATURE.

15 Sec. 25. For reasonable cause, which is not sufficient
16 ground for impeachment, the governor shall remove any judge on a
17 ~~concurrent~~ resolution of two-thirds of the members elected to
18 and serving in ~~each house of~~ the legislature. The cause for
19 removal shall be stated at length in the resolution.

20 ARTICLE VIII

21 Sec. 6. Other institutions of higher education established
22 by law having authority to grant baccalaureate degrees shall each
23 be governed by a board of control which shall be a body
24 corporate. The board shall have general supervision of the
25 institution and the control and direction of all expenditures
26 from the institution's funds. It shall, as often as necessary,
27 elect a president of the institution under its supervision. ~~He~~

1 THE PRESIDENT shall be the principal executive officer of the
2 institution and be ex-officio a member of the board without the
3 right to vote. The board may elect one of its members or may
4 designate the president, to preside at board meetings. Each
5 board of control shall consist of eight members who shall hold
6 office for terms of eight years, not more than two of which shall
7 expire in the same year, and who shall be appointed by the gover-
8 nor by and with the advice and consent of the ~~senate~~
9 LEGISLATURE. Vacancies shall be filled in like manner.

10 ARTICLE IX

11 Sec. 15. The state may borrow money for specific purposes
12 in amounts as may be provided by acts of the legislature adopted
13 by a vote of two-thirds of the members elected to and serving in
14 ~~each house~~ THE LEGISLATURE, and approved by a majority of the
15 electors voting thereon at any general election. The question
16 submitted to the electors shall state the amount to be borrowed,
17 the specific purpose to which the funds shall be devoted, and the
18 method of repayment.

19 Sec. 27. The revenue limit of Section 26 of this Article
20 may be exceeded only if all of the following conditions are met:
21 (1) The governor requests the legislature to declare an emergen-
22 cy; (2) the request is specific as to the nature of the emergen-
23 cy, the dollar amount of the emergency, and the method by which
24 the emergency will be funded; and (3) the legislature thereafter
25 declares an emergency in accordance with the specific of the
26 governor's request by a two-thirds vote of the members elected to
27 and serving in ~~each house~~ THE LEGISLATURE. The emergency must

1 be declared in accordance with this section prior to incurring
2 any of the expenses which constitute the emergency request. The
3 revenue limit may be exceeded only during the fiscal year for
4 which the emergency is declared. In no event shall any part of
5 the amount representing a refund under Section 26 of this Article
6 be the subject of an emergency request.

7 ARTICLE X

8 Sec. 5. The legislature shall have general supervisory
9 jurisdiction over all state owned lands useful for forest pre-
10 serves, game areas and recreational purposes; shall require
11 annual reports as to such lands from all departments having
12 supervision or control thereof; and shall by general law provide
13 for the sale, lease or other disposition of such lands.

14 The legislature by an act adopted by two-thirds of the mem-
15 bers elected to and serving in ~~each house~~ THE LEGISLATURE may
16 designate any part of such lands as a state land reserve. No
17 lands in the state land reserve may be removed from the reserve,
18 sold, leased or otherwise disposed of except by an act of the
19 legislature.

20 ARTICLE XI

21 Sec. 5. The classified state civil service shall consist of
22 all positions in the state service except those filled by popular
23 election, heads of principal departments, members of boards and
24 commissions, the principal executive officer of boards and com-
25 missions heading principal departments, employees of courts of
26 record, employees of the legislature, employees of the state
27 institutions of higher education, all persons in the armed forces

1 of the state, eight exempt positions in the office of the
2 governor, and within each principal department, when requested by
3 the department head, two other exempt positions, one of which
4 shall be policy-making. The civil service commission may exempt
5 three additional positions of a policy-making nature within each
6 principal department.

7 The civil service commission shall be non-salaried and shall
8 consist of four persons, not more than two of whom shall be mem-
9 bers of the same political party, appointed by the governor for
10 terms of eight years, no two of which shall expire in the same
11 year.

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

16 The commission shall classify all positions in the classi-
17 fied service according to their respective duties and responsi-
18 bilities, fix rates of compensation for all classes of positions,
19 approve or disapprove disbursements for all personal services,
20 determine by competitive examination and performance exclusively
21 on the basis of merit, efficiency and fitness the qualifications
22 of all candidates for positions in the classified service, make
23 rules and regulations covering all personnel transactions, and
24 regulate all conditions of employment in the classified service.

25 State Police Troopers and Sergeants shall, through their
26 elected representative designated by 50% of such troopers and
27 sergeants, have the right to bargain collectively with their

1 employer concerning conditions of their employment, compensation,
2 hours, working conditions, retirement, pensions, and other
3 aspects of employment except promotions which will be determined
4 by competitive examination and performance on the basis of merit,
5 efficiency, and fitness; and they shall have the right 30 days
6 after commencement of such bargaining to submit any unresolved
7 disputes to binding arbitration for the resolution thereof the
8 same as now provided by law for Public Police and Fire
9 Departments.

10 No person shall be appointed to or promoted in the classi-
11 fied service who has not been certified by the commission as
12 qualified for such appointment or promotion. No appointments,
13 promotions, demotions, or removals in the classified service
14 shall be made for religious, racial, or partisan considerations.

15 Increases in rates of compensation authorized by the commis-
16 sion may be effective only at the start of a fiscal year and
17 shall require prior notice to the governor, who shall transmit
18 such increases to the legislature as part of ~~his~~ THE GOVERNOR'S
19 budget. The legislature may, by a majority vote of the members
20 elected to and serving in ~~each house~~ THE LEGISLATURE, waive the
21 notice and permit increases in rates of compensation to be effec-
22 tive at a time other than the start of a fiscal year. Within 60
23 calendar days following such transmission, the legislature may,
24 by a two-thirds vote of the members elected to and serving in
25 ~~each house~~ THE LEGISLATURE, reject or reduce increases in rates
26 of compensation authorized by the commission. Any reduction
27 ordered by the legislature shall apply uniformly to all classes

1 of employees affected by the increases and shall not adjust pay
2 differentials already established by the civil service
3 commission. The legislature may not reduce rates of compensation
4 below those in effect at the time of the transmission of
5 increases authorized by the commission.

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

13 The civil service commission shall recommend to the governor
14 and to the legislature rates of compensation for all appointed
15 positions within the executive department not a part of the clas-
16 sified service.

17 To enable the commission to exercise its powers, the legis-
18 lature shall appropriate to the commission for the ensuing fiscal
19 year a sum not less than one percent of the aggregate payroll of
20 the classified service for the preceding fiscal year, as certi-
21 fied by the commission. Within six months after the conclusion
22 of each fiscal year the commission shall return to the state
23 treasury all moneys unexpended for that fiscal year.

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

1 No payment for personal services shall be made or authorized
2 until the provisions of this constitution pertaining to civil
3 service have been complied with in every particular. Violation
4 of any of the provisions hereof may be restrained or observance
5 compelled by injunctive or mandamus proceedings brought by any
6 citizen of the state.

7 Sec. 7. The ~~house of representatives~~ LEGISLATURE shall
8 have the sole power of impeaching civil officers for corrupt con-
9 duct in office or for crimes or misdemeanors, but a majority of
10 the members elected ~~thereto~~ TO and serving ~~therein~~ IN THE
11 LEGISLATURE shall be necessary to direct an impeachment.

12 When an impeachment is directed, the ~~house of~~
13 ~~representatives~~ LEGISLATURE shall elect three of its members to
14 prosecute the impeachment.

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

21 No person shall be convicted without the concurrence of
22 two-thirds of the ~~senators~~ LEGISLATORS elected and serving.
23 Judgment in case of conviction shall not extend further than
24 removal from office, but the person convicted shall be liable to
25 punishment according to law.

1 No judicial officer shall exercise any of the functions of
2 his OR HER office after an impeachment is directed until ~~he~~ THE
3 OFFICER is acquitted.

4 ARTICLE XII

5 Sec. 1. Amendments to this constitution may be proposed in
6 the ~~senate or house of representatives~~ LEGISLATURE. Proposed
7 amendments agreed to by two-thirds of the members elected to and
8 serving in ~~each house~~ THE LEGISLATURE on a vote with the names
9 and vote of those voting entered in the ~~respective journals~~
10 JOURNAL OF THE LEGISLATURE shall be submitted, not less than 60
11 days thereafter, to the electors at the next general election or
12 special election as the legislature shall direct. If a majority
13 of electors voting on a proposed amendment approve the same, it
14 shall become part of the constitution and shall abrogate or amend
15 existing provisions of the constitution at the end of 45 days
16 after the date of the election at which it was approved.

17 Sec. 3. At the general election to be held in the year
18 1978, and in each ~~16th~~ SIXTEENTH year thereafter and at such
19 times as may be provided by law, the question of a general revi-
20 sion of the constitution shall be submitted to the electors of
21 the state. If a majority of the electors voting on the question
22 decide in favor of a convention for such purpose, at an election
23 to be held not later than six months after the proposal was cer-
24 tified as approved, the electors of each ~~representative~~
25 LEGISLATIVE district as then organized shall elect one delegate
26 ~~and the electors of each senatorial district as then organized~~
27 ~~shall elect one delegate~~ at a partisan election. The delegates

1 so elected shall convene at the seat of government on the first
2 Tuesday in October next succeeding such election or at an earlier
3 date if provided by law.

4 The convention shall choose its own officers, determine the
5 rules of its proceedings and judge the qualifications, elections
6 and returns of its members. To fill a vacancy in the office of
7 any delegate, the governor shall appoint a qualified resident of
8 the same district who shall be a member of the same party as the
9 delegate vacating the office. The convention shall have power to
10 appoint such officers, employees and assistants as it deems nec-
11 essary and to fix their compensation; to provide for the printing
12 and distribution of its documents, journals and proceedings; to
13 explain and disseminate information about the proposed constitu-
14 tion and to complete the business of the convention in an orderly
15 manner. Each delegate shall receive for his services compensa-
16 tion provided by law.

17 No proposed constitution or amendment adopted by such con-
18 vention shall be submitted to the electors for approval as here-
19 inafter provided unless by the assent of a majority of all the
20 delegates elected to and serving in the convention, with the
21 names and vote of those voting entered in the journal. Any pro-
22 posed constitution or amendments adopted by such convention shall
23 be submitted to the qualified electors in the manner and at the
24 time provided by such convention not less than 90 days after
25 final adjournment of the convention. Upon the approval of such
26 constitution or amendments by a majority of the qualified

1 electors voting thereon the constitution or amendments shall take
2 effect as provided by the convention.

3 SCHEDULE AND TEMPORARY PROVISIONS

4 TO INSURE THE ORDERLY TRANSITION FROM A BICAMERAL LEGISLA-
5 TURE TO AN UNICAMERAL LEGISLATURE, THE FOLLOWING SCHEDULE AND
6 TEMPORARY PROVISIONS ARE SET FORTH TO BE EFFECTIVE FOR SUCH
7 PERIOD AS ARE THEREBY REQUIRED:

8 SEC. 1. THE FOREGOING AMENDMENT TO THE CONSTITUTION OF 1963
9 SHALL TAKE EFFECT JANUARY 1, 2005. UNTIL JANUARY 1, 2005, THE
10 SECTIONS OF THE STATE CONSTITUTION OF 1963 THAT THE FOREGOING
11 AMENDMENT AMENDS SHALL CONTINUE IN EFFECT AS THOUGH THE FOREGOING
12 AMENDMENT HAD NOT BEEN ADOPTED.

13 SEC. 2. THE SENATE AND HOUSE OF REPRESENTATIVES ARE ABOL-
14 ISHED AT MIDNIGHT ON DECEMBER 31, 2004. THE TERMS OF SENATORS
15 ELECTED AT THE GENERAL ELECTION IN 2002 OR TO FILL ANY VACANCY
16 EXISTING IN THE SENATE BEFORE DECEMBER 31, 2004, AND THE TERMS OF
17 REPRESENTATIVES ELECTED AT THE GENERAL ELECTION IN 2002 OR TO
18 FILL ANY VACANCY EXISTING IN THE HOUSE OF REPRESENTATIVES BEFORE
19 DECEMBER 31, 2004, SHALL EXPIRE AT MIDNIGHT ON DECEMBER 31, 2004.

20 SEC. 3. TO ENABLE A UNICAMERAL LEGISLATURE TO COMMENCE
21 JANUARY 1, 2005, THE LEGISLATORS WHO WILL ASSUME OFFICE
22 JANUARY 1, 2005, SHALL BE ELECTED AT THE GENERAL ELECTION IN 2004
23 IN THE MANNER PROVIDED BY LAW AND CONSISTENT WITH THIS
24 CONSTITUTION.

25 Resolved further, That the foregoing amendment shall be
26 submitted to the people of the state at the next general election
27 in the manner provided by law.