

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963
Article V
EXECUTIVE BRANCH

§ 1 Executive power.

Sec. 1.

Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

History: Const. 1963, Art. V, § 1, Eff. Jan. 1, 1964 ;-- Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018

Compiler's Notes: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

Former Constitution: See Const. 1908, Art. VI, § 2.

§ 2 Principal departments.

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.

Notwithstanding any other provision of this constitution or any prior judicial decision, as of the effective date of the constitutional amendment adding this provision, which amends article IV, sections 1 through 6, article V, sections 1, 2 and 4, and article VI, sections 1 and 4, including this provision, for purposes of interpreting this constitutional amendment the people declare that the powers granted to independent citizens redistricting commission for state and congressional districts (hereinafter, "commission") are legislative functions not subject to the control or approval of the governor, and are exclusively reserved to the commission. The commission, and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the governor. No other body shall be established by law to perform functions that are the same or similar to those granted to the commission in article IV, section 6.

History: Const. 1963, Art. V, § 2, Eff. Jan. 1, 1964 ;-- Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018

Compiler's Notes: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

§ 3 Single heads of departments; appointment, term.

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.

History: Const. 1963, Art. V, § 3, Eff. Jan. 1, 1964

§ 4 Commissions or agencies for less than 2 years.

Sec. 4.

Except to the extent limited or abrogated by article V, section 2 or article IV, section 6, 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.

History: Const. 1963, Art. V, § 4, Eff. Jan. 1, 1964 ;-- Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018

Compiler's Notes: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

§ 5 Examining or licensing board members, qualifications.

Sec. 5.

A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

History: Const. 1963, Art. V, § 5, Eff. Jan. 1, 1964

§ 6 Advice and consent to appointments.

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.

History: Const. 1963, Art. V, § 6, Eff. Jan. 1, 1964

§ 7 Vacancies in office; filling, senatorial disapproval of appointees.

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.

History: Const. 1963, Art. V, § 7, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 10.

§ 8 Principal departments, supervision of governor; information from state officers.

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.

History: Const. 1963, Art. V, § 8, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 3.

§ 9 Principal departments, location.

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.

History: Const. 1963, Art. V, § 9, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 1.

§ 10 Removal or suspension of officers; grounds, report.

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.

History: Const. 1963, Art. V, § 10, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. IX, § 7.

§ 11 Provisional appointments to fill vacancies due to suspension.

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.

History: Const. 1963, Art. V, § 11, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. IX, § 5.

§ 12 Military powers.

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.

History: Const. 1963, Art. V, § 12, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 4.

§ 13 Elections to fill vacancies in legislature.

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.

History: Const. 1963, Art. V, § 13, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 6.

§ 14 Reprieves, commutations and pardons.

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.

History: Const. 1963, Art. V, § 14, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 9.

§ 15 Extra sessions of legislature.

Sec. 15.

The governor may convene the legislature on extraordinary occasions.

History: Const. 1963, Art. V, § 15, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 7.

§ 16 Legislature other than at seat of government.

Sec. 16.

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

History: Const. 1963, Art. V, § 16, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 8.

§ 17 Messages and recommendations to legislature.

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.

History: Const. 1963, Art. V, § 17, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 5.

§ 18 Budget; general and deficiency appropriation bills.

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.

History: Const. 1963, Art. V, § 18, Eff. Jan. 1, 1964

§ 19 Disapproval of items in appropriation bills.

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.

History: Const. 1963, Art. V, § 19, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. V, § 37.

§ 20 Reductions in expenditures.

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.

History: Const. 1963, Art. V, § 20, Eff. Jan. 1, 1964

§ 21 State elective executive officers; term, election.

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.

History: Const. 1963, Art. V, § 21, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 1.

§ 22 Governor and lieutenant governor, qualifications.

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.

History: Const. 1963, Art. V, § 22, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 13.

§ 23 State elective executive officers, compensation.

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.

History: Const. 1963, Art. V, § 23, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 21.

§ 24 Executive residence.

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.

History: Const. 1963, Art. V, § 24, Eff. Jan. 1, 1964

§ 25 Lieutenant governor; president of senate, tie vote, duties.

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.

History: Const. 1963, Art. V, § 25, Eff. Jan. 1, 1964

Constitutionality: Advisory Opinion on Constitutionality of 1978 PA 426, 403 Mich 631; 272 NW2d 495 (1978), the Michigan supreme court held that the lieutenant governor may cast a tie-breaking vote during the final consideration of a bill when the senate is equally divided, and 1978 PA 426 was constitutionally enacted.

Former Constitution: See Const. 1908, Art. VI, § 19.

§ 26 Succession to governorship.

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 the 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.

History: Const. 1963, Art. V, § 26, Eff. Jan. 1, 1964
Former Constitution: See Const. 1908, Art. VI, §§ 16, 17.

§ 27 Salary of successor.

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.

History: Const. 1963, Art. V, § 27, Eff. Jan. 1, 1964
Former Constitution: See Const. 1908, Art. VI, § 18.

§ 28 State transportation commission; establishment; purpose; appointment, qualifications, and terms of members; director of state transportation department.

Sec. 28.

There is hereby established a state transportation commission, which shall establish policy for the state transportation department transportation programs and facilities, and such other public works of the state, as provided by law.

The state transportation commission shall consist of six members, not more than three 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 three-year terms, no three of which shall expire in the same year, as provided by law.

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

History: Const. 1963, Art. V, § 28, Eff. Jan. 1, 1964 ;-- Am. H.J.R. F, approved Nov. 7, 1978, Eff. Dec. 23, 1978

§ 29 Civil rights commission; members, term, duties, appropriation.

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.

History: Const. 1963, Art. V, § 29, Eff. Jan. 1, 1964

Admin Rule: R 37.1 et seq. and R 37.101 of the Michigan Administrative Code.

§ 30 Limitations on terms of executive officers.

Sec. 30.

No person shall be elected more than two times to each office of the executive branch of government: governor, lieutenant governor, secretary of state or attorney general. Any person appointed or elected to fill a vacancy in the office of governor, lieutenant governor, secretary of state or attorney general for a period greater than one half of a term of such office, shall be considered to have been elected to serve one time in that office for purposes of this section. This limitation on the number of times a person shall be elected to office shall apply to terms of office beginning on or after January 1, 1993.

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

History: Add. Initiated Law, approved Nov. 3, 1992, Eff. Dec. 19, 1992