

# SENATE JOINT RESOLUTION EE

March 25, 2014, Introduced by Senators BIEDA, WHITMER, WARREN, GREGORY, ANDERSON, SMITH, ANANICH, HOPGOOD, HUNTER, YOUNG, HOOD, ROCCA, SCHUITMAKER and JONES and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 4, 5, 6, 13, 17, and 18 of article I, section 3 of article II, section 5 of article III, sections 4, 7, 9, 18, 33, and 53 of article IV, sections 2, 3, 8, 10, 11, 14, 17, 22, 23, 24, 25, and 26 of article V, sections 2, 3, 6, 11, 17, 18, 20, 21, 22, and 30 of article VI, sections 6, 28, and 32 of article VII, sections 3, 5, and 6 of article VIII, sections 4, 5, and 7 of article XI, and section 3 of article XII, to make the language of the state constitution of 1963 gender neutral.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to make the language of the state

constitution of 1963 gender neutral, is proposed, agreed to, and submitted to the people of the state:

1 ARTICLE I

2 Sec. 2. No person shall be denied the equal protection of the  
3 laws; nor shall any person be denied the enjoyment of his **OR HER**  
4 civil or political rights or be discriminated against in the  
5 exercise thereof because of religion, race, color or national  
6 origin. The legislature shall implement this section by appropriate  
7 legislation.

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

20 Sec. 5. Every person may freely speak, write, express and  
21 publish his **OR HER** views on all subjects, being responsible for the  
22 abuse of such right; and no law shall be enacted to restrain or  
23 abridge the liberty of speech or of the press.

24 Sec. 6. Every person has a right to keep and bear arms for the  
25 defense of himself **OR HERSELF** and the state.

1       Sec. 13. A suitor in any court of this state has the right to  
2 prosecute or defend his **OR HER** suit, either in his **OR HER** own  
3 proper person or by an attorney.

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

10       Sec. 18. No person shall be rendered incompetent to be a  
11 witness on account of his **OR HER** opinions on matters of religious  
12 belief.

## 13                                   ARTICLE II

14       Sec. 3. For purposes of voting in the election for president  
15 and vice-president of the United States only, the legislature may  
16 by law establish lesser residence requirements for citizens who  
17 have resided in this state for less than six months and may waive  
18 residence requirements for former citizens of this state who have  
19 removed herefrom. The legislature shall not permit voting by any  
20 person who meets the voting residence requirements of the state to  
21 which he **OR SHE** has removed.

## 22                                   ARTICLE III

23       Sec. 5. Subject to provisions of general law, this state or  
24 any political subdivision thereof, any governmental authority or  
25 any combination thereof may enter into agreements for the  
26 performance, financing or execution of their respective functions,  
27 with any one or more of the other states, the United States, the

1 Dominion of Canada, or any political subdivision thereof unless  
2 otherwise provided in this constitution. Any other provision of  
3 this constitution notwithstanding, an officer or employee of the  
4 state or of any such unit of government or subdivision or agency  
5 thereof may serve on or with any governmental body established for  
6 the purposes set forth in this section and shall not be required to  
7 relinquish his **OR HER** office or employment by reason of such  
8 service. The legislature may impose such restrictions, limitations  
9 or conditions on such service as it may deem appropriate.

#### 10 ARTICLE IV

11 Sec. 4. In counties having more than one representative or  
12 senatorial district, the territory in the same county annexed to or  
13 merged with a city between apportionments shall become a part of a  
14 contiguous representative or senatorial district in the city with  
15 which it is combined, if provided by ordinance of the city. The  
16 district or districts with which the territory shall be combined  
17 shall be determined by such ordinance certified to the secretary of  
18 state. No such change in the boundaries of a representative or  
19 senatorial district shall have the effect of removing a legislator  
20 from office during his **OR HER** term.

21 Sec. 7. Each senator and representative must be a citizen of  
22 the United States, at least 21 years of age, and an elector of the  
23 district he **OR SHE** represents. The removal of his **OR HER** domicile  
24 from the district shall be deemed a vacation of the office. No  
25 person who has been convicted of subversion or who has within the  
26 preceding 20 years been convicted of a felony involving a breach of  
27 public trust shall be eligible for either house of the legislature.

1       Sec. 9. No person elected to the legislature shall receive any  
2 civil appointment within this state from the governor, except  
3 notaries public, from the legislature, or from any other state  
4 authority, during the term for which he **OR SHE** is elected.

5       Sec. 18. Each house shall keep a journal of its proceedings,  
6 and publish the same unless the public security otherwise requires.  
7 The record of the vote and name of the members of either house  
8 voting on any question shall be entered in the journal at the  
9 request of one-fifth of the members present. Any member of either  
10 house may dissent from and protest against any act, proceeding or  
11 resolution which he **OR SHE** deems injurious to any person or the  
12 public, and have the reason for his **OR HER** dissent entered in the  
13 journal.

14       Sec. 33. Every bill passed by the legislature shall be  
15 presented to the governor before it becomes law, and the governor  
16 shall have 14 days measured in hours and minutes from the time of  
17 presentation in which to consider it. If he **OR SHE** approves, he **OR**  
18 **SHE** shall within that time sign and file it with the secretary of  
19 state and it shall become law. If he **OR SHE** does not approve, and  
20 the legislature has within that time finally adjourned the session  
21 at which the bill was passed, it shall not become law. If he **OR SHE**  
22 disapproves, and the legislature continues the session at which the  
23 bill was passed, he **OR SHE** shall return it within such 14-day  
24 period with his **OR HER** objections, to the house in which it  
25 originated. That house shall enter such objections in full in its  
26 journal and reconsider the bill. If two-thirds of the members  
27 elected to and serving in that house pass the bill notwithstanding

1 the objections of the governor, it shall be sent with the  
2 objections to the other house for reconsideration. The bill shall  
3 become law if passed by two-thirds of the members elected to and  
4 serving in that house. The vote of each house shall be entered in  
5 the journal with the votes and names of the members voting thereon.  
6 If any bill is not returned by the governor within such 14-day  
7 period, the legislature continuing in session, it shall become law  
8 as if he **OR SHE** had signed it.

9       Sec. 53. The legislature by a majority vote of the members  
10 elected to and serving in each house, shall appoint an auditor  
11 general, who shall be a certified public accountant licensed to  
12 practice in this state, to serve for a term of eight years. He **OR**  
13 **SHE** shall be ineligible for appointment or election to any other  
14 public office in this state from which compensation is derived  
15 while serving as auditor general and for two years following the  
16 termination of his **OR HER** service. He **OR SHE** may be removed for  
17 cause at any time by a two-thirds vote of the members elected to  
18 and serving in each house. The auditor general shall conduct post  
19 audits of financial transactions and accounts of the state and of  
20 all branches, departments, offices, boards, commissions, agencies,  
21 authorities and institutions of the state established by this  
22 constitution or by law, and performance post audits thereof.

23       The auditor general upon direction by the legislature may  
24 employ independent accounting firms or legal counsel and may make  
25 investigations pertinent to the conduct of audits. He **OR SHE** shall  
26 report annually to the legislature and to the governor and at such  
27 other times as he **OR SHE** deems necessary or as required by the

1 legislature. He **OR SHE** shall be assigned no duties other than those  
2 specified in this section.

3 Nothing in this section shall be construed in any way to  
4 infringe the responsibility and constitutional authority of the  
5 governing boards of the institutions of higher education to be  
6 solely responsible for the control and direction of all  
7 expenditures from the institutions' funds.

8 The auditor general, his **OR HER** deputy and one other member of  
9 his **OR HER** staff shall be exempt from classified civil service. All  
10 other members of his **OR HER** staff shall have classified civil  
11 service status.

#### 12 ARTICLE V

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

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

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

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

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

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

27       Sec. 8. Each principal department shall be under the



1 supervision of the governor unless otherwise provided by this  
2 constitution. The governor shall take care that the laws be  
3 faithfully executed. He **OR SHE** shall transact all necessary  
4 business with the officers of government and may require  
5 information in writing from all executive and administrative state  
6 officers, elective and appointive, upon any subject relating to the  
7 duties of their respective offices.

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

15         Sec. 10. The governor shall have power and it shall be his **OR**  
16 **HER** duty to inquire into the condition and administration of any  
17 public office and the acts of any public officer, elective or  
18 appointive. He **OR SHE** may remove or suspend from office for gross  
19 neglect of duty or for corrupt conduct in office, or for any other  
20 misfeasance or malfeasance therein, any elective or appointive  
21 state officer, except legislative or judicial, and shall report the  
22 reasons for such removal or suspension to the legislature.

23         Sec. 11. The governor may make a provisional appointment to  
24 fill a vacancy occasioned by the suspension of an appointed or  
25 elected officer, other than a legislative or judicial officer,  
26 until he **OR SHE** is reinstated or until the vacancy is filled in the  
27 manner prescribed by law or this constitution.

1       Sec. 14. The governor shall have power to grant reprieves,  
2       commutations and pardons after convictions for all offenses, except  
3       cases of impeachment, upon such conditions and limitations as he **OR**  
4       **SHE** may direct, subject to procedures and regulations prescribed by  
5       law. He **OR SHE** shall inform the legislature annually of each  
6       reprieve, commutation and pardon granted, stating reasons therefor.

7       Sec. 17. The governor shall communicate by message to the  
8       legislature at the beginning of each session and may at other times  
9       present to the legislature information as to the affairs of the  
10      state and recommend measures he **OR SHE** considers necessary or  
11      desirable.

12      Sec. 22. To be eligible for the office of governor or  
13      lieutenant governor a person must have attained the age of 30  
14      years, and have been a registered elector in this state for four  
15      years next preceding his **OR HER** election.

16      Sec. 23. The governor, lieutenant governor, secretary of state  
17      and attorney general shall each receive the compensation provided  
18      by law in full payment for all services performed and expenses  
19      incurred during his **OR HER** term of office. Such compensation shall  
20      not be changed during the term of office except as otherwise  
21      provided in this constitution.

22      Sec. 24. An executive residence suitably furnished shall be  
23      provided at the seat of government for the use of the governor. He  
24      **OR SHE** shall receive an allowance for its maintenance as provided  
25      by law.

26      Sec. 25. The lieutenant governor shall be president of the  
27      senate, but shall have no vote, unless they be equally divided. He

1 OR SHE may perform duties requested of him OR HER by the governor,  
2 but no power vested in the governor shall be delegated.

3 Sec. 26. In case of the conviction of the governor on  
4 impeachment, his OR HER removal from office, his OR HER resignation  
5 or his OR HER death, the lieutenant governor, the elected secretary  
6 of state, the elected attorney general and such other persons  
7 designated by law shall in that order be governor for the remainder  
8 of the governor's term.

9 In case of the death of the governor-elect, the lieutenant  
10 governor-elect, the secretary of state-elect, the attorney general-  
11 elect and such other persons designated by law shall become  
12 governor in that order at the commencement of the governor-elect's  
13 term.

14 If the governor or the person in line of succession to serve  
15 as governor is absent from the state, or suffering under an  
16 inability, the powers and duties of the office of the governor  
17 shall devolve in order of precedence until the absence or inability  
18 giving rise to the devolution of powers ceases.

19 The inability of the governor or person acting as governor  
20 shall be determined by a majority of the supreme court on joint  
21 request of the president pro tempore of the senate and the speaker  
22 of the house of representatives. Such determination shall be final  
23 and conclusive. The supreme court shall upon its own initiative  
24 determine if and when the inability ceases.

## 25 ARTICLE VI

26 Sec. 2. The supreme court shall consist of seven justices  
27 elected at non-partisan elections as provided by law. The term of

1 office shall be eight years and not more than two terms of office  
2 shall expire at the same time. Nominations for justices of the  
3 supreme court shall be in the manner prescribed by law. Any  
4 incumbent justice whose term is to expire may become a candidate  
5 for re-election by filing an affidavit of candidacy, in the form  
6 and manner prescribed by law, not less than 180 days prior to the  
7 expiration of his **OR HER** term.

8       Sec. 3. One justice of the supreme court shall be selected by  
9 the court as its chief justice as provided by rules of the court.  
10 He **OR SHE** shall perform duties required by the court. The supreme  
11 court shall appoint an administrator of the courts and other  
12 assistants of the supreme court as may be necessary to aid in the  
13 administration of the courts of this state. The administrator shall  
14 perform administrative duties assigned by the court.

15       Sec. 6. Decisions of the supreme court, including all  
16 decisions on prerogative writs, shall be in writing and shall  
17 contain a concise statement of the facts and reasons for each  
18 decision and reasons for each denial of leave to appeal. When a  
19 judge dissents in whole or in part he **OR SHE** shall give in writing  
20 the reasons for his **OR HER** dissent.

21       Sec. 11. The state shall be divided into judicial circuits  
22 along county lines in each of which there shall be elected one or  
23 more circuit judges as provided by law. Sessions of the circuit  
24 court shall be held at least four times in each year in every  
25 county organized for judicial purposes. Each circuit judge shall  
26 hold court in the county or counties within the circuit in which he  
27 **OR SHE** is elected, and in other circuits as may be provided by

1 rules of the supreme court. The number of judges may be changed and  
2 circuits may be created, altered and discontinued by law and the  
3 number of judges shall be changed and circuits shall be created,  
4 altered and discontinued on recommendation of the supreme court to  
5 reflect changes in judicial activity. No change in the number of  
6 judges or alteration or discontinuance of a circuit shall have the  
7 effect of removing a judge from office during his **OR HER** term.

8       Sec. 17. No judge or justice of any court of this state shall  
9 be paid from the fees of his **OR HER** office nor shall the amount of  
10 his **OR HER** salary be measured by fees, other moneys received or the  
11 amount of judicial activity of his **OR HER** office.

12       Sec. 18. Salaries of justices of the supreme court, of the  
13 judges of the court of appeals, of the circuit judges within a  
14 circuit, and of the probate judges within a county or district,  
15 shall be uniform, and may be increased but shall not be decreased  
16 during a term of office except and only to the extent of a general  
17 salary reduction in all other branches of government.

18       Each of the judges of the circuit court shall receive an  
19 annual salary as provided by law. In addition to the salary  
20 received from the state, each circuit judge may receive from any  
21 county in which he **OR SHE** regularly holds court an additional  
22 salary as determined from time to time by the board of supervisors  
23 of the county. In any county where an additional salary is granted,  
24 it shall be paid at the same rate to all circuit judges regularly  
25 holding court therein.

26       Sec. 20. Whenever a justice or judge removes his **OR HER**  
27 domicile beyond the limits of the territory from which he **OR SHE**

1 was elected or appointed, he **OR SHE** shall have vacated his **OR HER**  
2 office.

3 Sec. 21. Any justice or judge of a court of record shall be  
4 ineligible to be nominated for or elected to an elective office  
5 other than a judicial office during the period of his **OR HER**  
6 service and for one year thereafter.

7 Sec. 22. Any judge of the court of appeals, circuit court or  
8 probate court may become a candidate in the primary election for  
9 the office of which he **OR SHE** is the incumbent by filing an  
10 affidavit of candidacy in the form and manner prescribed by law.

11 Sec. 30. (1) A judicial tenure commission is established  
12 consisting of nine persons selected for three-year terms as  
13 follows: Four members shall be judges elected by the judges of the  
14 courts in which they serve; one shall be a court of appeals judge,  
15 one a circuit judge, one a probate judge and one a judge of a court  
16 of limited jurisdiction. Three shall be members of the state bar  
17 who shall be elected by the members of the state bar of whom one  
18 shall be a judge and two shall not be judges. Two shall be  
19 appointed by the governor; the members appointed by the governor  
20 shall not be judges, retired judges or members of the state bar.  
21 Terms shall be staggered as provided by rule of the supreme court.  
22 Vacancies shall be filled by the appointing power.

23 (2) On recommendation of the judicial tenure commission, the  
24 supreme court may censure, suspend with or without salary, retire  
25 or remove a judge for conviction of a felony, physical or mental  
26 disability which prevents the performance of judicial duties,  
27 misconduct in office, persistent failure to perform his **OR HER**

1 duties, habitual intemperance or conduct that is clearly  
2 prejudicial to the administration of justice. The supreme court  
3 shall make rules implementing this section and providing for  
4 confidentiality and privilege of proceedings.

5 ARTICLE VII

6 Sec. 6. The sheriff may be required by law to renew his **OR HER**  
7 security periodically and in default of giving such security, his  
8 **OR HER** office shall be vacant. The county shall never be  
9 responsible for his **OR HER** acts, except that the board of  
10 supervisors may protect him **OR HER** against claims by prisoners for  
11 unintentional injuries received while in his **OR HER** custody. He **OR**  
12 **SHE** shall not hold any other office except in civil defense.

13 Sec. 28. The legislature by general law shall authorize two or  
14 more counties, townships, cities, villages or districts, or any  
15 combination thereof among other things to: enter into contractual  
16 undertakings or agreements with one another or with the state or  
17 with any combination thereof for the joint administration of any of  
18 the functions or powers which each would have the power to perform  
19 separately; share the costs and responsibilities of functions and  
20 services with one another or with the state or with any combination  
21 thereof which each would have the power to perform separately;  
22 transfer functions or responsibilities to one another or any  
23 combination thereof upon the consent of each unit involved;  
24 cooperate with one another and with state government; lend their  
25 credit to one another or any combination thereof as provided by law  
26 in connection with any authorized publicly owned undertaking.

27 Any other provision of this constitution notwithstanding, an

1 officer or employee of the state or any such unit of government or  
2 subdivision or agency thereof, except members of the legislature,  
3 may serve on or with any governmental body established for the  
4 purposes set forth in this section and shall not be required to  
5 relinquish his **OR HER** office or employment by reason of such  
6 service.

7       Sec. 32. Any taxpayer of the state shall have standing to  
8 bring suit in the Michigan State Court of Appeals to enforce the  
9 provisions of Sections 25 through 31, inclusive, of this Article  
10 and, if the suit is sustained, shall receive from the applicable  
11 unit of government his **OR HER** costs incurred in maintaining such  
12 suit.

#### 13                                   ARTICLE VIII

14       Sec. 3. Leadership and general supervision over all public  
15 education, including adult education and instructional programs in  
16 state institutions, except as to institutions of higher education  
17 granting baccalaureate degrees, is vested in a state board of  
18 education. It shall serve as the general planning and coordinating  
19 body for all public education, including higher education, and  
20 shall advise the legislature as to the financial requirements in  
21 connection therewith.

22       The state board of education shall appoint a superintendent of  
23 public instruction whose term of office shall be determined by the  
24 board. He **OR SHE** shall be the ~~chairman~~**-CHAIRPERSON** of the board  
25 without the right to vote, and shall be responsible for the  
26 execution of its policies. He **OR SHE** shall be the principal  
27 executive officer of a state department of education which shall



1 have powers and duties provided by law.

2 The state board of education shall consist of eight members  
3 who shall be nominated by party conventions and elected at large  
4 for terms of eight years as prescribed by law. The governor shall  
5 fill any vacancy by appointment for the unexpired term. The  
6 governor shall be ex-officio a member of the state board of  
7 education without the right to vote.

8 The power of the boards of institutions of higher education  
9 provided in this constitution to supervise their respective  
10 institutions and control and direct the expenditure of the  
11 institutions' funds shall not be limited by this section.

12 Sec. 5. The regents of the University of Michigan and their  
13 successors in office shall constitute a body corporate known as the  
14 Regents of the University of Michigan; the trustees of Michigan  
15 State University and their successors in office shall constitute a  
16 body corporate known as the Board of Trustees of Michigan State  
17 University; the governors of Wayne State University and their  
18 successors in office shall constitute a body corporate known as the  
19 Board of Governors of Wayne State University. Each board shall have  
20 general supervision of its institution and the control and  
21 direction of all expenditures from the institution's funds. Each  
22 board shall, as often as necessary, elect a president of the  
23 institution under its supervision. He **OR SHE** shall be the principal  
24 executive officer of the institution, be ex-officio a member of the  
25 board without the right to vote and preside at meetings of the  
26 board. The board of each institution shall consist of eight members  
27 who shall hold office for terms of eight years and who shall be

1 elected as provided by law. The governor shall fill board vacancies  
2 by appointment. Each appointee shall hold office until a successor  
3 has been nominated and elected as provided by law.

4       Sec. 6. Other institutions of higher education established by  
5 law having authority to grant baccalaureate degrees shall each be  
6 governed by a board of control which shall be a body corporate. The  
7 board shall have general supervision of the institution and the  
8 control and direction of all expenditures from the institution's  
9 funds. It shall, as often as necessary, elect a president of the  
10 institution under its supervision. He **OR SHE** shall be the principal  
11 executive officer of the institution and be ex-officio a member of  
12 the board without the right to vote. The board may elect one of its  
13 members or may designate the president, to preside at board  
14 meetings. Each board of control shall consist of eight members who  
15 shall hold office for terms of eight years, not more than two of  
16 which shall expire in the same year, and who shall be appointed by  
17 the governor by and with the advice and consent of the senate.  
18 Vacancies shall be filled in like manner.

19                               ARTICLE XI

20       Sec. 4. No person having custody or control of public moneys  
21 shall be a member of the legislature, or be eligible to any office  
22 of trust or profit under this state, until he **OR SHE** shall have  
23 made an accounting, as provided by law, of all sums for which he **OR**  
24 **SHE** may be liable.

25       Sec. 5. The classified state civil service shall consist of  
26 all positions in the state service except those filled by popular  
27 election, heads of principal departments, members of boards and

1 commissions, the principal executive officer of boards and  
2 commissions heading principal departments, employees of courts of  
3 record, employees of the legislature, employees of the state  
4 institutions of higher education, all persons in the armed forces  
5 of the state, eight exempt positions in the office of the governor,  
6 and within each principal department, when requested by the  
7 department head, two other exempt positions, one of which shall be  
8 policy-making. The civil service commission may exempt three  
9 additional positions of a policy-making nature within each  
10 principal department.

11 The civil service commission shall be non-salaried and shall  
12 consist of four persons, not more than two of whom shall be members  
13 of the same political party, appointed by the governor for terms of  
14 eight years, no two of which shall expire in the same year.

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

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

1 State Police Troopers and Sergeants shall, through their  
2 elected representative designated by 50% of such troopers and  
3 sergeants, have the right to bargain collectively with their  
4 employer concerning conditions of their employment, compensation,  
5 hours, working conditions, retirement, pensions, and other aspects  
6 of employment except promotions which will be determined by  
7 competitive examination and performance on the basis of merit,  
8 efficiency and fitness; and they shall have the right 30 days after  
9 commencement of such bargaining to submit any unresolved disputes  
10 to binding arbitration for the resolution thereof the same as now  
11 provided by law for Public Police and Fire Departments.

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

17 Increases in rates of compensation authorized by the  
18 commission may be effective only at the start of a fiscal year and  
19 shall require prior notice to the governor, who shall transmit such  
20 increases to the legislature as part of his **OR HER** budget. The  
21 legislature may, by a majority vote of the members elected to and  
22 serving in each house, waive the notice and permit increases in  
23 rates of compensation to be effective at a time other than the  
24 start of a fiscal year. Within 60 calendar days following such  
25 transmission, the legislature may, by a two-thirds vote of the  
26 members elected to and serving in each house, reject or reduce  
27 increases in rates of compensation authorized by the commission.

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

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

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

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

25 The commission shall furnish reports of expenditures, at least  
26 annually, to the governor and the legislature and shall be subject  
27 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 of  
4 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 shall have the sole power  
8 of impeaching civil officers for corrupt conduct in office or for  
9 crimes or misdemeanors, but a majority of the members elected  
10 thereto and serving therein shall be necessary to direct an  
11 impeachment.

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

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

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

25       No judicial officer shall exercise any of the functions of his  
26 **OR HER** office after an impeachment is directed until he **OR SHE** is  
27 acquitted.

## ARTICLE XII

1  
2       Sec. 3. At the general election to be held in the year 1978,  
3 and in each 16th year thereafter and at such times as may be  
4 provided by law, the question of a general revision of the  
5 constitution shall be submitted to the electors of the state. If a  
6 majority of the electors voting on the question decide in favor of  
7 a convention for such purpose, at an election to be held not later  
8 than six months after the proposal was certified as approved, the  
9 electors of each representative district as then organized shall  
10 elect one delegate and the electors of each senatorial district as  
11 then organized shall elect one delegate at a partisan election. The  
12 delegates so elected shall convene at the seat of government on the  
13 first Tuesday in October next succeeding such election or at an  
14 earlier date if provided by law.

15       The convention shall choose its own officers, determine the  
16 rules of its proceedings and judge the qualifications, elections  
17 and returns of its members. To fill a vacancy in the office of any  
18 delegate, the governor shall appoint a qualified resident of the  
19 same district who shall be a member of the same party as the  
20 delegate vacating the office. The convention shall have power to  
21 appoint such officers, employees and assistants as it deems  
22 necessary and to fix their compensation; to provide for the  
23 printing and distribution of its documents, journals and  
24 proceedings; to explain and disseminate information about the  
25 proposed constitution and to complete the business of the  
26 convention in an orderly manner. Each delegate shall receive for  
27 his **OR HER** services compensation provided by law.

1       No proposed constitution or amendment adopted by such  
2       convention shall be submitted to the electors for approval as  
3       hereinafter provided unless by the assent of a majority of all the  
4       delegates elected to and serving in the convention, with the names  
5       and vote of those voting entered in the journal. Any proposed  
6       constitution or amendments adopted by such convention shall be  
7       submitted to the qualified electors in the manner and at the time  
8       provided by such convention not less than 90 days after final  
9       adjournment of the convention. Upon the approval of such  
10      constitution or amendments by a majority of the qualified electors  
11      voting thereon the constitution or amendments shall take effect as  
12      provided by the convention.

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