

HOUSE JOINT RESOLUTION U

June 9, 2009, Introduced by Rep. Lemmons and referred to the Committee on Judiciary.

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:

ARTICLE II

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in ~~each house of~~ the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, ~~that~~ **THE MEASURE** receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

1 Sec. 8. ~~Either house of the~~ **THE** legislature or the governor
2 may request the opinion of the supreme court on important questions
3 of law upon solemn occasions as to the constitutionality of
4 legislation after it has been enacted into law but before its
5 effective date.

6 ARTICLE IV

7 Sec. 1. ~~The~~ **THROUGH DECEMBER 31, 2010, THE** legislative power
8 of the State of Michigan is vested in a senate and a house of
9 representatives.

10 **BEGINNING JANUARY 1, 2011, THE LEGISLATIVE POWER OF THE STATE**
11 **OF MICHIGAN IS VESTED IN A LEGISLATURE CONSISTING OF ONE CHAMBER.**
12 **THE LEGISLATURE SHALL CONSIST OF MEMBERS ELECTED FOR FOUR-YEAR**
13 **TERMS AS PROVIDED BY LAW. THE LEGISLATURE SHALL CONSIST OF 74**
14 **MEMBERS FROM SINGLE-MEMBER DISTRICTS APPORTIONED ON THE BASIS OF**
15 **POPULATION.**

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

1 PRESIDENT OF THE SENATE MEAN THE MAJORITY LEADER OF THE
2 LEGISLATURE. IF A PROVISION OF THE CONSTITUTION REQUIRES SUBMISSION
3 OF ANY MATTER TO, OR ACTION BY, THE HOUSE OF REPRESENTATIVES, THE
4 SENATE, OR JOINT SESSION OF THE SENATE AND HOUSE OF
5 REPRESENTATIVES, OR THE MEMBERS OF EITHER BODY OR BOTH BODIES, IT
6 MEANS THE LEGISLATURE OF ONE CHAMBER CREATED IN THIS ARTICLE.

7 THIS SECTION SHALL TAKE EFFECT JANUARY 1, 2011.

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

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

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

22 ~~(1) Counties with 13 or more apportionment factors shall be~~
23 ~~entitled as a class to senators in the proportion that the total~~
24 ~~apportionment factors of such counties bear to the total~~
25 ~~apportionment factors of the state computed to the nearest whole~~
26 ~~number. After each such county has been allocated one senator, the~~
27 ~~remaining senators to which this class of counties is entitled~~

~~shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

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

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

~~—— Sec. 3. The house of representatives shall consist of 110 members elected for two year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.~~

~~—— Each county which has a population of not less than seven~~

~~tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

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

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

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

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

~~Any representative area consisting of more than one county,~~

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

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

~~Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta,~~

~~Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~

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

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

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

~~—— Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial~~

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

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

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

~~—— Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any~~

1 ~~final plan adopted by the commission, and shall remand such plan to~~
2 ~~the commission for further action if it fails to comply with the~~
3 ~~requirements of this constitution.~~

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

12 Sec. 8. No person holding any office, employment or position
13 under the United States or this state or a political subdivision
14 thereof, except notaries public and members of the armed forces
15 reserve, may be a member of ~~either house of~~ the legislature.

16 Sec. 11. Except as provided by law, ~~senators and~~
17 ~~representatives~~ **A STATE LEGISLATOR** shall be privileged from civil
18 arrest and civil process during sessions of the legislature and for
19 five days next before the commencement and after the termination
20 thereof. ~~They~~ **A STATE LEGISLATOR** shall not be questioned in any
21 other place for any speech in ~~either house~~ **THE LEGISLATURE**.

22 Sec. 12. The state officers compensation commission is created
23 which subject to this section shall determine the salaries and
24 expense allowances of the members of the legislature, the governor,
25 the lieutenant governor, the attorney general, the secretary of
26 state, and the justices of the supreme court. The commission shall
27 consist of 7 members appointed by the governor whose qualifications

1 may be determined by law. Subject to the legislature's ability to
2 amend the commission's determinations as provided in this section,
3 the commission shall determine the salaries and expense allowances
4 of the members of the legislature, the governor, the lieutenant
5 governor, the attorney general, the secretary of state, and the
6 justices of the supreme court which determinations shall be the
7 salaries and expense allowances only if the legislature by
8 concurrent resolution adopted by a majority of the members elected
9 to and serving in ~~each house of the legislature~~ approve them. ~~The~~
10 ~~senate and house of representatives shall alternate on which house~~
11 ~~of the legislature shall originate the concurrent resolution, with~~
12 ~~the senate originating the first concurrent resolution.~~

13 The concurrent resolution may amend the salary and expense
14 determinations of the state officers compensation commission to
15 reduce the salary and expense determinations by the same proportion
16 for members of the legislature, the governor, the lieutenant
17 governor, the attorney general, the secretary of state, and the
18 justices of the supreme court. The legislature shall not amend the
19 salary and expense determinations to reduce them to below the
20 salary and expense level that members of the legislature, the
21 governor, the lieutenant governor, the attorney general, the
22 secretary of state, and the justices of the supreme court receive
23 on the date the salary and expense determinations are made. If the
24 salary and expense determinations are approved or amended as
25 provided in this section, the salary and expense determinations
26 shall become effective for the legislative session immediately
27 following the next general election. The commission shall meet each

1 2 years for no more than 15 session days. The legislature shall
2 implement this section by law.

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

8 Sec. 16. ~~Each house~~ **THE LEGISLATURE**, except as otherwise
9 provided in this constitution, shall choose its own officers and
10 determine the rules of its proceedings, but shall not adopt any
11 rule that will prevent a majority of the members elected thereto
12 and serving therein from discharging a committee from the further
13 consideration of any measure. ~~Each house~~ **THE LEGISLATURE** shall be
14 the sole judge of the qualifications, elections, and returns of its
15 members, and may, with the concurrence of two-thirds of all the
16 members elected thereto and serving therein, expel a member. The
17 reasons for such expulsion shall be entered in the journal, with
18 the votes and names of the members voting upon the question. No
19 member shall be expelled a second time for the same cause.

20 Sec. 17. ~~Each house of the~~ **THE** legislature may establish the
21 committees necessary for the efficient conduct of its business. ~~and~~
22 ~~the legislature may create joint committees.~~ On all actions on
23 bills and resolutions in each committee, names and votes of members
24 shall be recorded. Such vote shall be available for public
25 inspection. Notice of all committee hearings and a clear statement
26 of all subjects to be considered at each hearing shall be published
27 in the journal in advance of the hearing.

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

10 Sec. 19. All elections in ~~either house or in joint convention~~
11 **THE LEGISLATURE** and all votes on appointments submitted to the
12 ~~senate~~ **LEGISLATURE** for advice and consent shall be published by
13 vote and name in the journal.

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

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

19 Sec. 22. All legislation shall be by bill. ~~and may originate~~
20 ~~in either house.~~

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

26 Sec. 26. No bill shall be passed or become a law at any
27 regular session of the legislature until it has been printed or

1 reproduced and in the possession of ~~each house~~ **THE LEGISLATURE** for
2 at least five days. Every bill shall be read three times ~~in each~~
3 ~~house~~ before the final passage thereof. No bill shall become a law
4 without the concurrence of a majority of the members elected to and
5 serving in ~~each house~~ **THE LEGISLATURE**. On the final passage of
6 bills, the votes and names of the members voting thereon shall be
7 entered in the journal.

8 Sec. 27. No act shall take effect until the expiration of 90
9 days from the end of the session at which it was passed, but the
10 legislature may give immediate effect to acts by a two-thirds vote
11 of the members elected to and serving in ~~each house~~ **THE**
12 **LEGISLATURE**.

13 Sec. 29. The legislature shall pass no local or special act in
14 any case where a general act can be made applicable, and whether a
15 general act can be made applicable shall be a judicial question. No
16 local or special act shall take effect until approved by two-thirds
17 of the members elected to and serving in ~~each house~~ **THE LEGISLATURE**
18 and by a majority of the electors voting thereon in the district
19 affected. Any act repealing local or special acts shall require
20 only a majority of the members elected to and serving in ~~each house~~
21 **THE LEGISLATURE** and shall not require submission to the electors of
22 such district.

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

27 Sec. 31. The general appropriation bills for the succeeding

1 fiscal period covering items set forth in the budget shall be
2 passed or rejected in ~~either house of the legislature before that~~
3 ~~house~~ **THE LEGISLATURE** passes any appropriation bill for items not
4 in the budget except bills supplementing appropriations for the
5 current fiscal year's operation. Any bill requiring an
6 appropriation to carry out its purpose shall be considered an
7 appropriation bill. One of the general appropriation bills as
8 passed by the legislature shall contain an itemized statement of
9 estimated revenue by major source in each operating fund for the
10 ensuing fiscal period, the total of which shall not be less than
11 the total of all appropriations made from each fund in the general
12 appropriation bills as passed.

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

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

10 Sec. 37. The legislature may by ~~concurrent~~ resolution empower
 11 a ~~joint~~ committee of the legislature, acting between sessions, to
 12 suspend any rule or regulation promulgated by an administrative
 13 agency subsequent to the adjournment of the last preceding regular
 14 legislative session. Such suspension shall continue no longer than
 15 the end of the next regular legislative session.

16 Sec. 43. No general law providing for the incorporation of
 17 trust companies or corporations for banking purposes, or regulating
 18 the business thereof, shall be enacted, amended or repealed except
 19 by a vote of two-thirds of the members elected to and serving in
 20 ~~each house~~ **THE LEGISLATURE**.

21 Sec. 53. The legislature by a majority vote of the members
 22 elected to and serving in ~~each house~~ **THE LEGISLATURE**, shall appoint
 23 an auditor general, who shall be a certified public accountant
 24 licensed to practice in this state, to serve for a term of eight
 25 years. ~~He~~ **THE AUDITOR GENERAL** shall be ineligible for appointment
 26 or election to any other public office in this state from which
 27 compensation is derived while serving as auditor general and for

1 two years following the termination of his service. ~~He~~**THE AUDITOR**
2 **GENERAL** may be removed for cause at any time by a two-thirds vote
3 of the members elected to and serving in ~~each house~~**THE**
4 **LEGISLATURE**. The auditor general shall conduct post audits of
5 financial transactions and accounts of the state and of all
6 branches, departments, offices, boards, commissions, agencies,
7 authorities, and institutions of the state established by this
8 constitution or by law, and performance post audits thereof.

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

16 Nothing in this section shall be construed in any way to
17 infringe the responsibility and constitutional authority of the
18 governing boards of the institutions of higher education to be
19 solely responsible for the control and direction of all
20 expenditures from the institutions' funds.

21 The auditor general, his **OR HER** deputy and one other member of
22 ~~his~~**THE** staff **OF THE AUDITOR GENERAL** shall be exempt from
23 classified civil service. All other members of ~~his~~**THE** staff **OF THE**
24 **AUDITOR GENERAL** shall have classified civil service status.

25 Sec. 54. No person shall be elected to the office of state
26 ~~representative~~**LEGISLATOR** more than three times. ~~No person shall be~~
27 ~~elected to the office of state senate more than two times. Any~~

1 person appointed or elected to fill a vacancy in the ~~house of~~
2 ~~representatives or the state senate~~ **OFFICE OF STATE LEGISLATOR** for
3 a period greater than one half of a term of such office, shall be
4 considered to have been elected to serve one time in that office
5 for purposes of this section. This limitation on the number of
6 times a person shall be elected to office shall apply to terms of
7 office beginning on or after January 1, ~~1993~~ **2011**.

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

14 ARTICLE V

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

23 Subsequent to the initial allocation, the governor may make
24 changes in the organization of the executive branch or in the
25 assignment of functions among its units which he **OR SHE** considers
26 necessary for efficient administration. Where these changes require
27 the force of law, they shall be set forth in executive orders and

1 submitted to the legislature. Thereafter the legislature shall have
2 60 calendar days of a regular session, or a full regular session if
3 of shorter duration, to disapprove each executive order. Unless
4 disapproved ~~in both houses~~ by a resolution concurred in by a
5 majority of the members elected to and serving in ~~each house~~ **THE**
6 **LEGISLATURE**, each order shall become effective at a date thereafter
7 to be designated by the governor.

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

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

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

1 this constitution.

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

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

15 Sec. 13. The governor shall issue writs of election to fill
16 vacancies in the ~~senate or house of representatives~~**LEGISLATURE**.
17 Any such election shall be held in a manner prescribed 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 expenditures
21 and estimated revenue of the state. Proposed expenditures from any
22 fund shall not exceed the estimated revenue thereof. On the same
23 date, the governor shall submit to the legislature general
24 appropriation bills to embody the proposed expenditures and any
25 necessary bill or bills to provide new or additional revenues to
26 meet proposed expenditures. The amount of any surplus created or
27 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 the
 2 appropriation bills. The governor may submit amendments to
 3 appropriation bills to be offered in ~~either house~~ **THE LEGISLATURE**
 4 during consideration of the bill, ~~by that house,~~ and shall submit
 5 bills to meet deficiencies in current appropriations.

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

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

21 Sec. 26. In case of the conviction of the governor on
 22 impeachment, ~~his~~ removal **OF THE GOVERNOR** from office, ~~his~~ **OR THE**
 23 **GOVERNOR'S** resignation or ~~his~~ death, the lieutenant governor, the
 24 elected secretary of state, the elected attorney general and such
 25 other persons designated by law shall in that order be governor for
 26 the remainder of the governor's term.

27 In case of the death of the governor-elect, the lieutenant

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

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

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

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

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

27 The director of the state transportation department shall be

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

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

18 The commission shall have power, in accordance with the
19 provisions of this constitution and of general laws governing
20 administrative agencies, to promulgate rules and regulations for
21 its own procedures, to hold hearings, administer oaths, through
22 court authorization to require the attendance of witnesses and the
23 submission of records, to take testimony, and to issue appropriate
24 orders. The commission shall have other powers provided by law to
25 carry out its purposes. Nothing contained in this section shall be
26 construed to diminish the right of any party to direct and
27 immediate legal or equitable remedies in the courts of this state.

1 Appeals from final orders of the commission, including cease
2 and desist orders and refusals to issue complaints, shall be tried
3 de novo before the circuit court having jurisdiction provided by
4 law.

5 ARTICLE VI

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

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

18 ARTICLE VIII

19 Sec. 6. Other institutions of higher education established by
20 law having authority to grant baccalaureate degrees shall each be
21 governed by a board of control which shall be a body corporate. The
22 board shall have general supervision of the institution and the
23 control and direction of all expenditures from the institution's
24 funds. It shall, as often as necessary, elect a president of the
25 institution under its supervision. ~~He~~ **THE PRESIDENT** shall be the
26 principal executive officer of the institution and be ex-officio a
27 member of the board without the right to vote. The board may elect

1 one of its members or may designate the president, to preside at
 2 board meetings. Each board of control shall consist of eight
 3 members who shall hold office for terms of eight years, not more
 4 than two of which shall expire in the same year, and who shall be
 5 appointed by the governor by and with the advice and consent of the
 6 ~~senate~~ **LEGISLATURE**. Vacancies shall be filled in like manner.

7 ARTICLE IX

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

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

1 emergency is declared. In no event shall any part of the amount
2 representing a refund under Section 26 of this Article be the
3 subject of an emergency request.

4 ARTICLE X

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

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

16 ARTICLE XI

17 Sec. 5. The classified state civil service shall consist of
18 all positions in the state service except those filled by popular
19 election, heads of principal departments, members of boards and
20 commissions, the principal executive officer of boards and
21 commissions heading principal departments, employees of courts of
22 record, employees of the legislature, employees of the state
23 institutions of higher education, all persons in the armed forces
24 of the state, eight exempt positions in the office of the governor,
25 and within each principal department, when requested by the
26 department head, two other exempt positions, one of which shall be
27 policy-making. The civil service commission may exempt three

1 additional positions of a policy-making nature within each
2 principal department.

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

7 The administration of the commission's powers shall be vested
8 in a state personnel director who shall be a member of the
9 classified service and who shall be responsible to and selected by
10 the commission after open competitive examination.

11 The commission shall classify all positions in the classified
12 service according to their respective duties and responsibilities,
13 fix rates of compensation for all classes of positions, approve or
14 disapprove disbursements for all personal services, determine by
15 competitive examination and performance exclusively on the basis of
16 merit, efficiency and fitness the qualifications of all candidates
17 for positions in the classified service, make rules and regulations
18 covering all personnel transactions, and regulate all conditions of
19 employment in the classified service.

20 State Police Troopers and Sergeants shall, through their
21 elected representative designated by 50% of such troopers and
22 sergeants, have the right to bargain collectively with their
23 employer concerning conditions of their employment, compensation,
24 hours, working conditions, retirement, pensions, and other aspects
25 of employment except promotions which will be determined by
26 competitive examination and performance on the basis of merit,
27 efficiency, and fitness; and they shall have the right 30 days

1 after commencement of such bargaining to submit any unresolved
2 disputes to binding arbitration for the resolution thereof the same
3 as now provided by law for Public Police and Fire Departments.

4 No person shall be appointed to or promoted in the classified
5 service who has not been certified by the commission as qualified
6 for such appointment or promotion. No appointments, promotions,
7 demotions, or removals in the classified service shall be made for
8 religious, racial, or partisan considerations.

9 Increases in rates of compensation authorized by the
10 commission may be effective only at the start of a fiscal year and
11 shall require prior notice to the governor, who shall transmit such
12 increases to the legislature as part of ~~his~~**THE GOVERNOR'S** budget.
13 The legislature may, by a majority vote of the members elected to
14 and serving in ~~each house~~**THE LEGISLATURE**, waive the notice and
15 permit increases in rates of compensation to be effective at a time
16 other than the start of a fiscal year. Within 60 calendar days
17 following such transmission, the legislature may, by a two-thirds
18 vote of the members elected to and serving in ~~each house~~**THE**
19 **LEGISLATURE**, reject or reduce increases in rates of compensation
20 authorized by the commission. Any reduction ordered by the
21 legislature shall apply uniformly to all classes of employees
22 affected by the increases and shall not adjust pay differentials
23 already established by the civil service commission. The
24 legislature may not reduce rates of compensation below those in
25 effect at the time of the transmission of increases authorized by
26 the commission.

27 The appointing authorities may create or abolish positions for

1 reasons of administrative efficiency without the approval of the
2 commission. Positions shall not be created nor abolished except for
3 reasons of administrative efficiency. Any employee considering
4 himself **OR HERSELF** aggrieved by the abolition or creation of a
5 position shall have a right of appeal to the commission through
6 established grievance procedures.

7 The civil service commission shall recommend to the governor
8 and to the legislature rates of compensation for all appointed
9 positions within the executive department not a part of the
10 classified service.

11 To enable the commission to exercise its powers, the
12 legislature shall appropriate to the commission for the ensuing
13 fiscal year a sum not less than one percent of the aggregate
14 payroll of the classified service for the preceding fiscal year, as
15 certified by the commission. Within six months after the conclusion
16 of each fiscal year the commission shall return to the state
17 treasury all moneys unexpended for that fiscal year.

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

21 No payment for personal services shall be made or authorized
22 until the provisions of this constitution pertaining to civil
23 service have been complied with in every particular. Violation of
24 any of the provisions hereof may be restrained or observance
25 compelled by injunctive or mandamus proceedings brought by any
26 citizen of the state.

27 Sec. 7. The ~~house of representatives~~ **LEGISLATURE** shall have

1 the sole power of impeaching civil officers for corrupt conduct in
 2 office or for crimes or misdemeanors, but a majority of the members
 3 elected ~~thereto~~**TO** and serving ~~therein~~**IN THE LEGISLATURE** shall be
 4 necessary to direct an impeachment.

5 When an impeachment is directed, the ~~house of representatives~~
 6 **LEGISLATURE** shall elect three of its members to prosecute the
 7 impeachment.

8 Every impeachment shall be tried by the ~~senate~~**LEGISLATURE**
 9 immediately after the final adjournment of the legislature. The
 10 ~~senators~~**LEGISLATORS** shall take an oath or affirmation truly and
 11 impartially to try and determine the impeachment according to the
 12 evidence. When the governor or lieutenant governor is tried, the
 13 chief justice of the supreme court shall preside.

14 No person shall be convicted without the concurrence of two-
 15 thirds of the ~~senators~~**LEGISLATORS** elected and serving. Judgment in
 16 case of conviction shall not extend further than removal from
 17 office, but the person convicted shall be liable to punishment
 18 according to law.

19 No judicial officer shall exercise any of the functions of his
 20 **OR HER** office after an impeachment is directed until ~~he~~**THE OFFICER**
 21 is acquitted.

22 ARTICLE XII

23 Sec. 1. Amendments to this constitution may be proposed in the
 24 ~~senate or house of representatives~~**LEGISLATURE**. Proposed amendments
 25 agreed to by two-thirds of the members elected to and serving in
 26 ~~each house~~**THE LEGISLATURE** on a vote with the names and vote of
 27 those voting entered in the ~~respective journals~~**JOURNAL OF THE**

1 **LEGISLATURE** shall be submitted, not less than 60 days thereafter,
2 to the electors at the next general election or special election as
3 the legislature shall direct. If a majority of electors voting on a
4 proposed amendment approve the same, it shall become part of the
5 constitution and shall abrogate or amend existing provisions of the
6 constitution at the end of 45 days after the date of the election
7 at which it was approved.

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

21 The convention shall choose its own officers, determine the
22 rules of its proceedings and judge the qualifications, elections
23 and returns of its members. To fill a vacancy in the office of any
24 delegate, the governor shall appoint a qualified resident of the
25 same district who shall be a member of the same party as the
26 delegate vacating the office. The convention shall have power to
27 appoint such officers, employees and assistants as it deems

1 necessary and to fix their compensation; to provide for the
2 printing and distribution of its documents, journals and
3 proceedings; to explain and disseminate information about the
4 proposed constitution and to complete the business of the
5 convention in an orderly manner. Each delegate shall receive for
6 his OR HER services compensation provided by law.

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

19 SCHEDULE AND TEMPORARY PROVISIONS

20 TO ENSURE THE ORDERLY TRANSITION FROM A BICAMERAL LEGISLATURE
21 TO AN UNICAMERAL LEGISLATURE, THE FOLLOWING SCHEDULE AND TEMPORARY
22 PROVISIONS ARE SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ARE
23 THEREBY REQUIRED:

24 SEC. 1. THE FOREGOING AMENDMENT TO THE CONSTITUTION OF 1963
25 SHALL TAKE EFFECT JANUARY 1, 2011. UNTIL JANUARY 1, 2011, THE
26 SECTIONS OF THE STATE CONSTITUTION OF 1963 THAT THE FOREGOING
27 AMENDMENT AMENDS SHALL CONTINUE IN EFFECT AS THOUGH THE FOREGOING

1 AMENDMENT HAD NOT BEEN ADOPTED.

2 SEC. 2. THE SENATE AND HOUSE OF REPRESENTATIVES ARE ABOLISHED
3 AT MIDNIGHT, DECEMBER 31, 2010. THE TERMS OF SENATORS ELECTED AT
4 THE GENERAL ELECTION IN 2006 OR TO FILL ANY VACANCY EXISTING IN THE
5 SENATE BEFORE DECEMBER 31, 2010 AND THE TERMS OF REPRESENTATIVES
6 ELECTED AT THE GENERAL ELECTION IN 2008 OR TO FILL ANY VACANCY
7 EXISTING IN THE HOUSE OF REPRESENTATIVES BEFORE DECEMBER 31, 2010
8 SHALL EXPIRE AT MIDNIGHT, DECEMBER 31, 2010.

9 SEC. 3. TO ENABLE A UNICAMERAL LEGISLATURE TO COMMENCE JANUARY
10 1, 2011, THE LEGISLATORS WHO WILL ASSUME OFFICE JANUARY 1, 2011
11 SHALL BE ELECTED AT THE GENERAL ELECTION IN 2010 IN THE MANNER
12 PROVIDED BY LAW AND CONSISTENT WITH THIS CONSTITUTION.

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.