

Michigan Constitution Gold Standard Edition

The purpose of this article is to describe changes that the *Michigan Constitution Gold Standard Edition* will bring to the current Michigan Constitution. The foremost goals of the *Michigan Constitution Gold Standard Edition* are to protect individual rights, bring accountability to public and private sectors, economize and streamline state government, and have a fair tax system. The creation of an independently elected board to police the Michigan legal system is an important feature of the *Michigan Constitution Gold Standard Edition*. Minor wording changes that are required due to a major change such as the elimination of the Michigan Senate will not be listed in this article for the sake of brevity. The changes will be listed as they appear chronologically in the Constitution. Please, refer to the complete *Michigan Constitution Gold Standard Edition* for all changes and wording.

Yellow Highlight means new addition. Red font color means deletion from current.

Article I Declaration of Rights

§ 2 Equal protection; discrimination.

The words **gender** and **sexual orientation** have been inserted in order to give these groups of individuals the same protection as other groups defined in section 2.

§ 4 Freedom of worship and religious belief; appropriations.

Places of worship shall not be exempt from taxes has been inserted.

§ 6 Bearing of arms.

The state has the right to regulate who bears arms and the types of arms permitted has been inserted

§ 24 Rights of crime victims; enforcement; assessment against convicted defendants.

The right to restitution “as part of court trial pursued by a public prosecutor or civil trial” words in quotation have been inserted.

§ 25 Marriage.

Sec. 25. To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.

History: Add. Init., approved Nov. 2, 2004, Eff. Dec. 18, 2004.

Section 25 has been deleted

Article II Elections

§ 1 Qualifications of electors; residence.

“18” will replace “21” for age requirement. 18 years is the current requirement.

§ 10 Limitations on terms of office of members of the United States House of Representatives and United States Senate from Michigan

This entire section will be eliminated. It never went into effect.

ARTICLE III General Government

ARTICLE IV Legislative Branch

§ 1 Legislative power.

Sec. 1. The legislative power of the State of Michigan is vested in ~~a senate and~~ a house of representatives.

The words *a senate and* will be eliminated. Section 1 will be as follows:

The legislative power of the State of Michigan is vested in a house of Representatives. **There will be no Senate.**

Note, all references to the Senate are eliminated from subsequent sections of the Michigan constitution. Almost all previous duties of the Senate will now be performed by the Michigan House.

§ 3 Representatives, number, term; contiguity of districts.

The house of representatives shall consist of 55 members.

Note: The Michigan House will be reduced from 110 to 55 members.

The following will be added to the Michigan constitution

One Person One Vote Concept

Each district should not vary by more than 2.5 percent from the ideal district size which is defined as the total population of Michigan as of the most recent official United States Census tabulation divided by fifty five which is the number of seats in the Michigan House of Representatives.

Representative areas

Representative areas shall begin with District one in the south east corner of Michigan. All the land area within a district should be contiguous. County lines should be respected if possible. Within a county the priority in determining district lines should be City, Township, and Village boundaries. Geographic areas as close to squares as possible should used in determining district lines if County, City, Township, or Village boundaries do not yield a suitable district conforming to the one person one vote concept.

Sec. 4. An independent non-partisan commission on legislative districting shall be established following the adoption of this section and following each federal decennial census thereafter. The commission shall have sole and exclusive authority over and responsibility for legislative districting. The commission shall exist until its legislative districting plans for that decade become law, except as otherwise set forth in this article. The commission shall consist of nine electors, four of whom shall be selected by each of the two major political parties. No officers or employees of the federal, state or local governments, except notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. No registered lobbyist shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature or to serve as a registered lobbyist until ten years after the districting in which they participated becomes law. The ninth commissioner shall be a person who is not a member of any political party, shall be elected by a majority vote of at least six of the eight other members, and shall serve as chair of the commission. If, after four ballots, no candidate receives at least six votes, the director of elections shall choose by lot between two candidates, one submitted by each major political party's

commissioners. Commission vacancies shall be filled in the same manner as for original selection.

The commission may elect other officers by a majority vote of at least six of its nine members, shall make its own rules of procedure, shall keep a record of its public proceedings, shall solicit plans from the public and shall hold public hearings on proposed plans before their adoption. The legislature shall appropriate sufficient funds to enable the commission to carry out its activities.

Within 30 days after this section takes effect, and after the official total population count of each federal decennial census of the state and its political subdivisions is available thereafter, the director of elections shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall proceed to prepare a legislative districting plan for the house of representatives according to the provisions of this article. The commission shall complete its work within 180 days of convening. Decisions adopting plans shall require a majority vote of at least six of the nine commission members at a public meeting. A plan so adopted shall be the final legislative districting plan for that decade, except as otherwise provided in this article. If at least six of the nine members of the commission cannot timely agree on a plan, the director of elections shall choose by lot between two plans, one plan from each major political party, that meet all the requirements of this article as determined by the chair of the commission, and that have been submitted and exchanged at least 10 days prior thereto. A plan drawn by lot shall be the final legislative districting plan for that decade, except as otherwise provided in this article.

The final legislative districting plans for the house of representatives shall immediately become law. The director of elections shall be responsible for the publication and distribution of the plans.

Sec. 5. A final legislative districting plan which becomes law shall remain in effect until another plan becomes law in accordance with this article after the next federal decennial census. A plan shall not be subject to amendment, approval, rejection, or repeal by initiative, referendum, resolution or act of the legislative branch, action of the executive branch or by any other procedure or person. A final legislative districting plan which becomes law shall be conclusive evidence that the plan complies with the requirements of this article. It is the policy and preference of this state that only impartial unelected federal judges should decide any legal challenge to a final legislative districting plan, and accordingly, notwithstanding any other provision of this constitution, no state court shall have jurisdiction over any case or controversy relating to the commission or to a final legislative districting plan. If a final legislative districting plan is found to violate federal law by a federal court or the United States Department of Justice, the plan should be remanded to the commission which shall convene solely for the preparation of a revised plan consistent with federal law and this article.

Sections 4 through 6 of this Article IV shall be self-executing, and no action of the legislative, executive or judicial branches or any other state or local elected or appointed official shall limit or restrict the application of those sections. The provisions of Sections 4 through 6 are severable, and if any part of those sections or application of any part of those sections to any person or circumstance is found to be invalid under federal law or the federal constitution by a federal court or federal agency, the validity shall not affect

the remaining portions or applications of those sections which shall remain in full force and effect.

~~§ 44 Trial by jury in civil cases.~~

~~Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.~~

~~History: Const. 1963, Art. IV, §44, Eff. Jan. 1, 1964.
Former Constitution: See Const. 1908, Art. V, §27.~~

§ 44 Laws concerning civil cases.

Sec. 44. The legislature may authorize conditions in order to bring forth civil cases. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases. The legislature may authorize procedural rules in trials of civil cases. The legislature may authorize laws concerning monetary or non-monetary outcomes in civil cases. The legislature may authorize laws concerning legal fees in civil cases.

Note: Changes to Section 44 will give legislative laws concerning civil cases Constitutional authority. It is inserted as Article III, Section 2 states it should be in order to clarify the power and authority of the legislature in civil cases as it relates to other branches of Michigan government.

§ 54 Limitations on terms of office of state legislators.

Members of the Michigan House will be term limited to five two year terms.

ARTICLE V Executive Branch

§ 5 Examining or licensing board members, qualifications.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall **not** be members of that profession.

Note: The majority shall **not**. The addition of **not** is an important change to the Constitution. In theory this would mean that members of a profession cannot police themselves. However, stronger provisions may have to be added concerning how the individual boards are selected and approved. A you rub my back and I'll rub your back should not be allowed to occur amongst members of various boards. An independently elected board to submit candidates to the governor for selection to the various licensing boards may be required in order to attenuate the power of the governor in this area by giving the people more power at the election polls.

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

Gender, sexual orientation are added. Article One, section 2 and this section will be consistent. Two important groups of individuals will be given Constitutional protection.

ARTICLE VI Judicial Branch

§ 2 Justices of the supreme court; number, term, nomination, election.

Sec. 2. The supreme court shall consist of ~~seven~~ five justices. The number of justices shall be reduced by not filling one position the next two times two terms of office expire at the same time. Supreme Court Justices shall be elected at partisan elections as provided by law. ~~electd at non-partisan elections as provided by law.~~ The term of office shall be ~~eight~~ six years and not more than two terms of office shall expire at the same time. No justice shall be elected more than two terms. Any person appointed or elected to fill a vacancy for a period greater than one half of a term shall be considered to have been elected to serve one term for purposes of this section. Nominations for justices of the supreme court shall be by primary election in the manner prescribed by law or by Party Convention should a party not have a candidate by the primary election process. Any incumbent justice whose term is to expire may become a candidate in the primary election ~~for re-election~~ by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

History: Const. 1963, Art. VI, §2, Eff. Jan. 1, 1964.

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

Note: Many important changes are made to Article VI, section 2. The number of Justices is reduced from seven to five. Justices will serve six year terms and be limited to two terms due to the partisan nature of their job. The Michigan Supreme Court hears many cases whose outcome due to the type of case will result in some type of partisan decision. This cannot be avoided and is an important part of the Court's work. The Court should become partisan in order to reduce hypocrisy concerning the Court, the election process, and will better educate the voter concerning Supreme Court candidates. Candidates for Justice will usually be nominated by primary election instead of at a party convention.

§ 3 Chief justice; court administrator; other assistants.

~~The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.~~

Note: The Michigan Supreme Court will no longer run the court system in Michigan. An important change.

§ 5 Court rules; distinctions between law and equity; master in chancery.

~~Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.~~

Note: Section 5 of 1963 Constitution is completely deleted and replaced with a new section 5.

Sec. 5 Michigan Legal Oversight Board

A board known as the Michigan Legal Oversight Board shall be established. This board shall consist of nine members who shall hold office for terms of four years. The members of the Board need not be attorneys.

Election and Appointment of Board Members The Board members shall be elected every two years at general state elections on a partisan ballot with independent candidates permitted on the ballot. Approximately one half of the Board members shall be elected at each general election. A primary election must be held prior to the general election for the partisan candidates. Independent candidates will be entered as a separate grouping on the primary ballot and all voters may vote on the independent slate of candidates. At the general election each party's slate or the independent slate cannot exceed the number of seats on the Board that are up for election. A registered voter of Michigan may qualify for a listing on the primary ballot if he/she presents a nominating petition to the proper agency with the number of names that is required for an individual to run for the State House of Representatives in that district. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

New Name for The Michigan Rules of Professional Conduct The Michigan Rules of Professional Conduct will hence be known as the Michigan Code of Attorney and Judicial Conduct.

Duties and Authority of the Citizens Legal Oversight Board The Michigan Legal Oversight Board shall be solely responsible for maintaining the Michigan Code of Attorney and Judicial Conduct. The Michigan Legal Oversight Board shall be solely responsible for maintaining Michigan Court Rules. The Michigan Legal Oversight Board shall be solely empowered to specify who shall be licensed to practice law in the state of Michigan and its courts through Michigan Court Rules and rules established in the Michigan Code of Attorney and Judicial Conduct. The Michigan Legal Oversight Board shall have the authority to revoke or suspend Michigan attorney licenses, and fine attorneys licensed in the state of Michigan. The Michigan Legal Oversight Board shall have the authority to fine judges, and suspend or remove sitting judges from the bench of all Michigan courts. The Citizens Legal Oversight Board is solely empowered to protect the integrity of the Michigan legal system by enforcing the Michigan Code of Attorney and Judicial Conduct. The Michigan Legal Oversight Board is empowered to appoint delegates and hire staff to carry out its responsibilities.

Abolition of Existing Boards and Commissions The Boards of the Michigan Attorney Grievance Commission, Attorney Discipline Board, and Judicial Tenure Commission are abolished. All cases pending before the Boards of the Michigan Attorney Grievance Commission, Attorney Discipline Board, and Judicial Tenure Commission will be under the jurisdiction of the Michigan Legal Oversight Board. All records, files, and properties of the Boards of the Michigan Attorney Grievance Commission, Attorney Discipline Board, and Judicial Tenure Commission will be under the jurisdiction of the Michigan Legal Oversight Board.

Court Administration The Michigan Legal Oversight Board will be responsible for administering all courts in Michigan. The Michigan Legal Oversight Board shall appoint an administrator of the courts and other assistants as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the Michigan Legal Oversight Board.

Funding Funding for the Michigan Legal Oversight Board shall be by a mandatory assessment of each member of the Michigan Bar Association as determined by the Michigan

Legal Oversight Board and through funds appropriated by the legislative branch of the Michigan government. The Michigan Supreme Court may not assess members of the Michigan Bar Association.

Note: Michigan Legal Oversight Board is a new concept that will empower Michigan citizens to control their legal system instead of the Michigan Supreme Court. The Michigan Legal Oversight Board will have the authority to write court rules, administer the courts, and police the legal system. The legal system will no longer perform these functions.

§ 8 Election and Retention of Appellate, Circuit, or District Court Judge

Sec. 7 (a) A vacancy occurring in the office of Appellate, Circuit, Probate or District Court Judge shall be filled as the House of Representatives may provide by law. In the absence of a law, vacancies may be filled by appointment by the Michigan Legal Oversight Board. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(b) Not less than six months before the general election preceding the expiration of his term of office, an Appellate, Circuit, Probate, or District Court Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District for Appellate Judges, in the appropriate circuit for Circuit Judges and Probate Judges, and in the appropriate district for District Court Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

Note: Based on Illinois's Constitution 1970. In many Judicial Elections the incumbent judge faces no opposition and is automatically re-elected. The judge should be held accountable to the electorate at each election and not be given a free ride for another term as is the case in many Michigan Judicial Elections. I have chosen to not include the Michigan Supreme Court in retention elections because the Michigan Supreme Court is partisan and will be more partisan with the purpose to reduce hypocrisy if the Michigan Constitution Gold Standard Edition takes effect. History indicates that incumbent justices have opposition in Supreme Court Elections.

§ 8.1 Retention Evaluation of Justices and Judges

The Michigan Legal Oversight Board shall adopt, after public hearings, and administer for all justices and judges who file a declaration to be retained in office, a process, established by court rules for evaluating judicial performance. The rules shall include written performance standards and performance reviews which survey opinions of persons who have knowledge of the justice's or judge's performance. The public shall be afforded a full and fair opportunity for participation in the evaluation process through public hearings, dissemination of evaluation reports to voters and any other methods as the Michigan Legal Oversight Board deems advisable.

Note: Based on the Arizona State Constitution, amended 1992, which is the only state constitution at this time to include such a clause. However, the Michigan Legal Oversight Board would oversee the process in Michigan instead of the state supreme court as is the case in Arizona.

§ 8.2 Court of appeals; election of judges, divisions.

The Michigan Legal Oversight Board will replace the Michigan Supreme Court as to who performs certain function described in this section. An oversight in the 1963 Constitution has been corrected by stating the number of appeals court judges may be decreased as well as increased.

~~**§ 30 Judicial tenure commission; selection; terms; duties; power of supreme court.**
Sec. 30. (1) A judicial tenure commission is established consisting of nine persons selected for three year terms as follows: Four members shall be judges elected by the judges of the courts in which they serve; one shall be a court of appeals judge, one a circuit judge, one a probate judge and one a judge of a court of limited jurisdiction. Three shall be members of the state bar who shall be elected by the members of the state bar of whom one shall be a judge and two shall not be judges. Two shall be appointed by the governor; the members appointed by the governor shall not be judges, retired judges or members of the state bar. Terms shall be staggered as provided by rule of the supreme court. Vacancies shall be filled by the appointing power. (2) On recommendation of the judicial tenure commission, the supreme court may censure, suspend with or without salary, retire or remove a judge for conviction of a felony, physical or mental disability which prevents the performance of judicial duties, misconduct in office, persistent failure to perform his duties, habitual intemperance or conduct that is clearly prejudicial to the administration of justice. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.
-History: Add. H.J.R. PP, approved Aug. 6, 1968, Eff. Sept. 21, 1968.~~

Note: Section 30 has been eliminated. See new section 5. Michigan Legal Oversight Board will assume the functions performed by the Judicial Tenure Commission, which will cease to exist.

ARTICLE VIII Education

Sec. 1. ~~Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged, and supported by the State of Michigan.~~

§ 2 Free public elementary and secondary schools; discrimination.

Gender and sexual orientation has been added to protected individuals. Public funds prohibited for schools that discriminate. Public funds prohibited for students that attend schools that discriminate.

~~Nonpublic schools, prohibited aid.~~

~~No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.~~

~~**History:** Const. 1963, Art. VIII, §2, Eff. Jan. 1, 1964;—Am. Init., approved Nov. 3, 1970, Eff. Dec. 19, 1970.~~

~~**Constitutionality:** That portion of second sentence of second paragraph of this section, prohibiting use of public money to support attendance of any student or employment of any person at any location or institution where instruction is offered in whole or in part to nonpublic students, was held unconstitutional, void, and unenforceable because it contravened free exercise of religion guaranteed by the United States Constitution and was violative of equal protection of laws provisions of United States Constitution. *Traverse City School District v. Attorney General*, 384 Mich. 390, 185 N.W. 2d 9 (1971).~~

~~**Former Constitution:** See Const. 1908, Art. XI, §9~~

Note: Aid for nonpublic schools will not be prohibited by the Constitution, and is to be determined by the legislature. This will give the legislature flexibility concerning educational funding. Parents may have more choice concerning school selection depending on how educational funds are appropriated. Allowing competition between various types of schools for public funding will be beneficial.

§ 4 Higher education institutions; appropriations, accounting, public sessions of boards.

Oakland University has been named.

Note: Oakland University was not listed in 1963 Constitution.

~~§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.~~

~~Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the~~

~~control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.~~

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

~~Former Constitution: See Const. 1908, Art. XI, §§3, 4, 5, 7, 8, 16.~~

Note: All University boards will be appointed. See next section.

§ 6 ~~Other institutions~~ Institutions of higher education, controlling boards.

Sec. 6. ~~Other~~ All institutions of higher education established by law having authority to grant baccalaureate degrees... The controlling boards will be appointed by the State Board of Education and not the Governor

Note: The members of all boards of institutions of higher education will be appointed by the State Board of Education and not the governor and approved by the Michigan House of Representatives. The process of selection of all boards of institutions of higher education should be the same. Electing a Michigan Legal Oversight Board is more important than electing higher education boards. Eliminate three board elections from the ballot.

ARTICLE IX Finance and Taxation

~~§ 4 Exemption of religious or educational nonprofit organizations.~~

~~Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.~~

~~History: Const. 1963, Art. IX, §4, Eff. Jan. 1, 1964.~~

Note: Everyone should paid their fair share of taxes and should not get an exemption in the Michigan Constitution.

§ 7 Income tax.

Sec. 7. ~~No~~ An income tax graduated as to rate or base shall may be imposed by the state ~~or but not~~ any of its subdivisions.

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

Note: The legislature will have the flexibility to determine tax rates. A progressive income tax may be imposed.

§ 43 Fiscal Year

Sec. 43. The fiscal year for the purposes of the Michigan Constitution is an accounting unit of time of one year which is defined as 365 days except for leap year which will allow one extra day. The fiscal year as referenced in this Constitution is mandated to start on July1, and end on June 30 of the following year. The July 1 start date must be enacted within two years of the date this Constitution becomes effective. No exceptions are allowed by law. The legislature must submit to the governor an annual fiscal year budget 14 days prior to the start of the fiscal year . The fiscal year budget must be approved by the legislature and governor by the start of the fiscal year.

Note: October 1 is the current start date of Michigan's fiscal year. Forty six states start their fiscal year on July 1, which enables public schools to have time to plan for the upcoming school year.

ARTICLE X Property

§ 1 Disabilities of coverture abolished; separate property of wife; dower.

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

§ 2 Eminent domain; compensation.

Sec. 2. Private property shall not be taken for public use without just compensation therefore being first made or secured in a manner prescribed by law. If private property consisting of an individual's principal residence and occupied by the owner for one year is taken for public use, the amount of compensation made and determined for that taking shall be not less than 125% of that property's fair market value, in addition to any other reimbursement allowed by law. Compensation shall be determined in proceedings in a court of record.

"Public use" does not include the taking of private property consisting of an individual's principal residence and occupied by the owner for one year for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. Private property not consisting of an individual's principal residence and occupied by the owner for one year otherwise may be taken for reasons of public use, which includes transfer to a private entity for the purpose of economic development or enhancement of tax revenues, as that term is understood on the effective date of ~~the amendment to~~ this constitution, ~~that added this paragraph.~~

In a condemnation action, the burden of proof is on the condemning authority to demonstrate, by the preponderance of the evidence, that the taking of a private property is for a public use, unless the condemnation action involves a taking for the eradication of blight, in which case the burden of proof is on the condemning authority to demonstrate, by clear and convincing evidence, that the taking of that property is for a public use.

Any existing right, grant, or benefit afforded to property owners as of November 1, 2005, whether provided by this section, by statute, or otherwise, shall be preserved and shall not be abrogated or impaired by ~~the constitutional amendment that added this paragraph.~~ this constitution.

History: Const. 1963, Art. X, § 2, Eff. Jan. 1, 1964;—Am. S.J.R. E, approved Nov. 7, 2006, Eff. Dec. 23, 2006.

Former Constitution: See Const. 1908, Art. XIII, §§ 1-5.

ARTICLE XI Public Officers and Employment

§ 7 Impeachment of civil officers.

Trial by senate Michigan Legal Oversight Board ; oath, presiding officer.

Every impeachment shall be tried by the senate Michigan Legal Oversight Board immediately after the final adjournment of the legislature. The senators members of the Michigan Legal Oversight Board shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant is tried, the chief justice of the supreme court shall preside.

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