

**Local Government – Article VIII**  
**Analysis of Local Government Provisions as Approved by the Committee of the Whole**

<u>Present Provision</u>	<u>Local Government Committee Proposal</u>	<u>As Approved by Committee of the Whole</u>	<u>Changes in Present Provisions Approved by Committee of the Whole</u>
<b><u>Counties</u></b>			
<b>Counties; corporate character, suits.</b>	Section a. Each organized county shall be a body corporate, with such powers and immunities shall be established by law. (C. P. 81, J. p. 434)	Approved Committee Proposal without amendment (See J. 77, p. 594)	Deletes unnecessary provision on suits and proceedings.
<b>Townships in county; city as separate county.</b>	Section b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. (C. P. 81, J. p. 434)	Approved without amendment (See J. 77, 9. 594)	Deletes provision on cities over 100,000 population organizing into separate county.
Section 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.			
Section 2. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law by a majority of electors voting on the question in each county to be affected thereby shall so decide. When any city has attained a population of 100,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and of the remainder of the county in which such city may be situated voting on the question shall each determine in favor of organizing said city into a separate county.			

*(Counties continued)*

**County officers.**

Section 3. There shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Section c. There shall be elected for 4-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure. (C. P. 81, J. p. 435)

Approved without amendment  
(See J. 77, p. 594)

Increases term of office from two years to four years.

**Offices at county seat.**

Section 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

Section d. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat. (C. P. 81, J. p. 435)

Approved without amendment  
(See J. 77, p. 594)

No change.

**Sheriff; ineligibility for other office; election; term; security; responsibility for acts.**

Section 5. The sheriff shall hold no other office. He shall be elected at the general election for the term of 2 years. He may be required by law to renew his security from time to time and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

Section e. The sheriff may be required by law to renew his security from time to time and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for accidental injuries received while in his custody. He shall not hold any other office except in connection with civil defense. (C. P. 81, J. p. 435)

Approved without amendment  
(See J. 77, p. 594)

Deletes unnecessary language on term of office. Modifies prohibition against holding another office to allow holding civil defense post. Permits board of supervisors to protect sheriff against certain claims.

*(Counties continued)*

**Jury Commissioners.**

Section 6. The legislature shall by general law provide for the appointment of a board of jury commissioners in each county; but such law shall not become operative in any county until a majority of the electors of the county voting thereon shall so decide.

Deleted – see E. R. 2035, Journal 71, p. 446

Deletion Approved, See Journal 81, p. 631

Reference to jury commissioners deleted.

**Board of Supervisors; representation of cities.**

Section 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

Section f. A board of supervisors, consisting of 1 from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law. (C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 594)

No Change.

**Local legislation.**

Section 8. The legislature may by general law confer upon the boards of supervisors of the several counties such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

Section g. The legislature may by general law confer upon the boards of supervisors of the several counties powers of a local, legislative and administrative character not inconsistent with the provisions of this constitution. (C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 594)

Minor re-wording.

**Salaries; claims against counties; appeals from the decisions of board.**

Section 9. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all

Section h. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. (C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 595)

Reference to adjustment of claims deleted.

*(Counties continued)*

claims against their respective counties; appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.

**Power of taxation; limitation.**

Section 10. The board of supervisors of any county may in any 1 year levy a tax of 1/10 of 1 mill on the assessed valuation of said county for the construction or repair of public buildings or bridges, or may borrow an equal sum for such purposes; and, in any county where the assessed valuation is less than 10,000,000 dollars, the board may levy a tax or borrow for such purposes to the amount of 1,000 dollars; but no greater sum shall be raised for such purposes in any county in any 1 year, unless submitted to the electors of the county and approved by a majority of those voting thereon.

Deleted – see E. R. 2036, Journal 71, p. 446

Deletion approved (See Journal 81, p. 632)

Limitation of 1/10 of 1 mill for current capital outlay deleted.

**Charitable institutions.**

Section 11. Any county in this state, either separately or in conjunction with other counties, may appropriate money for the construction and maintenance or assistance of public and charitable hospitals, sanatoria or other institutions for the treatment of persons suffering from contagious or infectious diseases. Each county may also maintain an infirmary for the care and support of its indigent poor and unfortunate, and all county poor houses shall hereafter be designated and maintained as county infirmaries.

Deleted – see E. R. 2037, Journal 71, p. 446

Deletion approved (See Journal 81, p. 632)

Deleted whole section, matter left to law.

*(Counties continued)*

**Indebtedness; limitation.**

Section 12. No county shall incur any indebtedness which shall increase its total debt beyond 3 per cent of its assessed valuation, except counties having an assessed valuation of 5,000,000 dollars or less, which counties may increase their total debt to 5 per cent of their assessed valuation.

Section i. No county shall incur any indebtedness which shall increase its total debt beyond 10 per cent of its assessed valuation.  
(C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 595)

County debt limit increased from 3 per cent to 10 per cent, reference to counties having assessed value under \$5 million deleted.

**Removal of county seat.**

Section 13. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Section j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.  
(C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 595)

No change.

**Navigable streams; permission to bridge or dam.**

Section 14. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein. No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.

Section k. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein.  
(C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 595)

Deleted last sentence as unnecessary.

*(Counties continued)*

**Townships; Organization and Consolidation.**

Section 15. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law.

Section l. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law. (C. P. 81, J. p. 435)

Approved without amendment (see Journal 77, p. 595)

No change.

**Drainage District Bonds.**

Section 15a. Any drainage district, established under provision of law, may issue bonds for drainage purposes within such district.

Deleted – see E. R. 2038, Journal 71, 446.

Deletion approved (See Journal 81, p. 632)

Whole section deleted – leave matter to statute.

No present provision.

Section m. The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall be approved by the electors of the county. (C. P. 81, J. p. 435)

Section m. The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the registered voters thereon. All other counties may establish such merit systems as provided by law. (As amended, see Journal 77, p. 595)

This proposed provision is new. It authorizes the board of supervisors in counties over one million population to establish a merit system with the approval of the voters. As amended by the committee of the whole it also authorizes other counties to establish merit systems as provided by law.

No present provision.

Section a. The legislature shall provide by general law that the electors of any county shall have power and authority to initiate, frame, adopt, amend or repeal a county charter and therein authorize the county, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, and shall limit their rate of taxation notwithstanding

Section a. Any county may frame, adopt amend, or repeal a county charter in a manner and with powers and limitations to be provided by general law, which law may permit the organization of county government in forms different from the form set forth in this constitution. Subject to law, a county charter may authorize the county through its regularly constituted authority

This proposed new section as amended would authorize county home rule under provisions of general law. Such law may permit different forms of organization of the county. A county may pass ordinances relating to its municipal concerns. The legislature is to limit the rate of general property taxation for charter counties. Charter counties would be authorized to levy

*(Counties continued)*

Section a. (continued)  
anything to the contrary in this  
constitution.

A. No county charter shall be adopted,  
amended, repealed or revised until  
approved by a majority vote of county  
electors voting on the question.

B. The question of electing a charter  
commission may be placed on the  
ballot by a majority vote of the  
members-elect of the board of super-  
visors and shall be placed thereon on  
receipt of a petition signed by 5% of  
the registered voters of the county.  
The charter commission shall be  
elected by the county electors in  
accordance with the election laws.

Section b. Under general law each  
County charter shall provide:

A. For the selection of judicial  
officers of the county as provided in  
Article VII of this constitution.

B. For the election of a county clerk,  
a county register of deeds, a county  
treasurer, a sheriff, and a prosecuting  
attorney in accordance with the pro-  
visions of this constitution.

C. For a board of supervisors to be  
Constituted as provided by law.

Section a. (continued)  
to pass all laws and ordinances  
relating to its municipal concerns.

No county charter shall be adopted,  
amended, repealed or revised until  
approved by a majority vote of county  
electors voting on the question.

The question of electing a charter  
commission may be placed on the  
ballot by a majority vote of the total  
membership of the board of super-  
visors and shall be placed thereon on  
receipt of a petition signed by 5% of  
the registered voters of the county.  
The charter commission shall be  
elected by the county electors in  
accordance with the election laws.

The legislature shall by general law,  
for counties adopting home rule, limit  
the rate of general property taxation  
for municipal purposes, and restrict  
their powers of borrowing money and  
contracting debts. Each such county  
is hereby granted power to levy other  
taxes for public purposes subject to  
limitations and prohibitions set forth  
in this constitution or by law.  
As amended, see Journal 81,  
p. 644.

(continued)  
other taxes subject to limitations  
and prohibition established by law.

*(Counties continued)*

Section b. (continued)

D. For the exercise of all powers vested in, and the performance of all duties imposed upon counties, county officers, and charter counties by this constitution or by general law. (C. P. 89, J p. 462)

**Townships**

**Townships, Corporate Character, Suits.**

Section 16. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

Section a. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. (C. P. 82, J p. 436)

Approved without amendment (See Journal 78, p. 605)

Reference to suits to proceedings in name of township deleted.

**Local Legislation.**

Section 17. The legislature may by general law confer upon organized townships such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

Section b. The legislature may by general law confer upon organized townships powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution. (C. P. 82, J p. 436)

Section b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution.

Minor changes in wording. As amended in committee of the whole “shall” confer was substituted for “may” confer.

**Township Officers.**

Section 18. There shall be elected on the first Monday of April in each odd numbered year for a term of two years in each organized township one supervisor, one township clerk, one commissioner of highways, one township treasurer, and not to exceed four constables, whose powers and duties shall be prescribed by law. Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the provisions of this section providing for biennial township elections.

Section c. There shall be elected for a term not less than 2 years nor more than 4 years as provided by law in each organized township: 1 township supervisor; 1 township clerk; 1 township treasurer; and, not to exceed 4 township trustees, whose powers and duties shall be provided by law. (C. P. 82, J p. 436)

Approved without amendment (See Journal 78, p. 606)

Permits legislature to increase terms of office to 4 years. Deletes references to commissioner of highways, constables, and justices of the peace. Provides for the election of not more than 4 township trustees.



*(Townships continued)*

No present provision.

Section d. Whenever there is no unincorporated territory within a township, the township government shall be abolished if a majority of those voting on a referendum in the township approve. Its functions shall then be assumed by the village or villages as provided by law. In such cases, the village or villages affected shall be entitled to representation on the county board of supervisors as provided by law. (C. P. 82, J p. 437)

Section d. The legislature shall provide by law for the elimination of township government whenever there is no territory which is not included within the borders of a village within such township. As amended – see Journal 78, p. 606.

This proposed provision is new. As amended by the committee of the whole it authorizes the elimination of the township government when all the township territory is within a village.

**Public Utility Franchises.**

Section 19. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless such proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election.

Section e. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless such proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election. (C. P. 82, J p. 437)

Approved without amendment -- see Journal 78, p. 606.

No change from present Section 19.

**Cities and Villages**  
**Incorporation.**

Section 20. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

Section a. The legislature shall provide by a general law for the incorporation of cities and villages; such general laws shall limit their rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts. Each city and village is hereby granted power to levy taxes for public purposes subject to limitations and prohibitions set forth in this constitution or law. (C. P. 83, J p. 438)

Section a. The legislature shall provide by a general law for the incorporation of cities and villages; such general laws shall limit their rate of general property taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts. Each city and village is hereby granted power to levy other taxes for public purposes subject to limitations and prohibitions set forth in this constitution or law. As amended, see Journal 80, p. 620.

This proposed section provides that the legislature shall limit the rate of general property taxation and authorizes each city and village to levy other taxes for public purposes subject to limitations and prohibitions established by law.

*(Cities & Villages continued)*

**Charters; Laws; Ordinances.**

Section 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter and to amend an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of this state.

Section b. The electors of each city and village are hereby granted the power and authority to frame, adopt, amend, and revise its charter, and to amend, and revise an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village. The legislature shall provide by general law the procedure for framing, adopting, amending, and revising such charters.

Each such city and village is hereby granted full power to pass laws and ordinances relating to its municipal concerns, property, and government, but the legislature may enact laws of state-wide concern which will preempt the field only when this intention is so stated therein. No enumeration of powers in this constitution shall be deemed to limit or restrict the general grant of authority hereby conferred. Such cities and villages shall have exclusive jurisdiction over matters of local governmental personnel and administration. (C. P. 83, J p. 438)

Section b. Under such general laws the electors of each city and village shall have the power and authority to frame, adopt, amend, and revise its charter, and to amend, and revise an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village.

Each city and village shall have power to pass laws and ordinances relating to its municipal concerns, property and government subject to the constitution and general laws of this state. No enumeration of powers in this constitution shall be deemed to limit or restrict the general grant of authority hereby conferred. As amended, see Journal 80, p. 620.

As amended in committee of the whole this proposed provision adds the authority to revise the charter.

Substitutes language granting broad powers of ordinance making re “municipal concerns, property and government” subject to the constitution and general laws.

**Power to Acquire and Maintain Parks, Hospitals, Etc.**

Section 22. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety.

Section c. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, and all works which involve the public health or safety. (C. P. 83, J p. 438)

Approved without amendment – See Journal 80, p. 621.

Continues present provision with “almshouses” omitted.

*(Cities & Villages continued)*

**Public Utilities; Power to Own and Operate.**

Section 23. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation to the municipality and the inhabitants thereof; and may also sell and deliver heat, power and light without its corporate limits to an amount not to exceed 25 per cent of that furnished by it within the corporate limits, and may also sell and deliver water outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines without the municipality within such limits as may be prescribed by law; Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than 25,000 inhabitants.

Section e. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof; and may also sell and deliver heat, power and light without its corporate limits to an amount not to exceed 25 per cent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; and may also sell and deliver water and provide sewage disposal, outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines without the municipality within such limits as may be prescribed by law. (C. P. 83, J p. 438)

Approved without amendment – see Journal 80, p. 621.

Adds sewage disposal to the list of public utilities which may be provided and authorizes the legislature to liberalize the extent to which services may be provided outside the corporate limits. Deletes the restrictions on transportation facilities to cities over 25,000 population.

**Public Utilities; Bonded Indebtedness.**

Section 24. When a city or village is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: Provided, That such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city or village, but shall be secured only upon the property and revenues of such public utility, including

Deleted – see E. R. 2039, Journal 70, p. 446.

Deletion approved – see Journal 81, p. 632.

This is now authorized by statute.

*(Cities & Villages continued)*

a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of such utility and franchise on foreclosure.

**Elective Franchise; Taxation; Public Utilities.**

Section 25. No city or village shall have power to abridge the right of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

Section d. Except as otherwise provided in this constitution, no city or village shall have the power to assess, levy or collect any tax or assessment for other than public purposes, or to loan its credit for any private purpose or for any public purpose except as authorized by law. (C. P. 83, J p. 438)

Section d. Except as otherwise provided in this constitution, no city or village shall have the power to assess, levy or collect any tax or assessment for other than public purposes, or to loan its credit for any private purpose or, except as authorized by law for any public purpose. As amended, see Journal 80, p. 621.

This provision as amended in committee of the whole modifies the present prohibition against loaning credit to allow loaning of credit for public purposes as provided by law.

Section f. No city or village shall acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of 3/5 of the electors of such city or village voting thereon at a regular or special municipal election. Nor shall any city or village sell any public

Section f. No city or village shall acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of 3/5 of the electors of such city or village voting thereon at a regular or special election. Nor shall any city or village

Deletes as unnecessary the prohibition abridging the right of elective franchise and the obsolete provision on women voting. Adds a requirement that the voters must approve the sale of any public utility.

Section f. (continued)

utility unless such proposition shall have first received the affirmative vote of a majority of the electors of such city or village voting thereon at a regular or special municipal election. (C. P. 83, J p. 438)

Section f. (continued)

sell any public utility unless such proposition shall have first received the affirmative vote of a majority, or of a greater number if the charter shall so provide, of the electors of such city or village voting thereon at a regular or special municipal election. As amended, see Journal 80, p. 621.

*(Cities & Villages continued)*

**General Provisions**

**Highways; Powers of Supervisors; County or District Road System; Tax Limitation.**

Section 26. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by the state and by the counties and townships thereof and by road districts; and may authorize counties or districts to take charge and control of any highway within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county and district road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law; and may change and abolish the powers and duties of township commissioners and overseers of highways. The legislature may provide by law for submitting the question of adopting the county road system to the electors of the counties, and such road system shall not go into operation in any county until approved by a majority of the electors thereof voting thereon. The tax raised for road purposes by counties shall not exceed in anyone year five dollars upon each one thousand dollars of assessed valuation for the preceding year.

Section a. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law. The tax raised for road purposes by counties shall not exceed in any 1 year 5 dollars upon each 1,000 dollars of assessed valuation for the preceding year. (C. P. 86, J p. 460)

Approved without amendment – see Journal No. 79, p. 614

This provision eliminates the present reference to road districts and township commissioners and overseers of highways. The provision for a vote on establishing a county road system is also deleted.

*(General provisions continued)*

**Highways; Vacation; Alteration.**

Section 27. The legislature shall not vacate nor alter any road laid out by commissioners of highways, or any street, alley or public ground in any city or village or in any recorded town plot.

Section b. The legislature shall not vacate nor alter any road, street, alley, or public ground laid out by any county, township, city or village or in any recorded plat. (C. P. 86, J. p. 460)

Approved without amendment – see Journal No. 79, p. 614.

Adds reference to roads, etc. laid out by counties and townships and deletes reference to commissioners of highways.

**Highways, Streets, Etc.; Use by Utilities; Control.**

Section 28. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any city, village or township for wires, poles, pipes, tracks or conduits, without the consent of the duly constituted authorities of such city, village or township; nor to transact a local business therein without first obtaining a franchise therefor from each city, village or township. The right of all cities, villages and townships to the reasonable control of their streets, alleys and public places is hereby reserved to such cities, villages and townships.

Section a. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks or conduits, without the consent of the duly constituted authority of the county, city, village or township; or to transact a local business therein without first obtaining a franchise from the city, village or township. The right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to said local units of government. (C. P. 86, J p. 460)

Section a. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks or conduits, or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact a local business therein without first obtaining a franchise from the city, village or township. The right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to said local units of government. As amended – see Journal 81, p. 631.

As amended, this provision re-words the existing provision. “Public and private” utilities are included. Counties are added to the units of government who must give consent. All utility facilities are included and highways are added to the list of streets, etc.

**Duration of Franchise.**

Section 29. No franchise or license shall be granted by any municipality of this state for a longer period than thirty years.

Section b. No franchise or license shall be granted by any municipality of this state for a longer period than thirty years.

Approved without amendment – see Journal 81, p. 631.

No change from present provision.

*(General provisions continued)*

No provision.

No provision proposed.

Section c. Any county, through its legislative body, shall have the authority to enter, or to intervene in any suit or certificate proceeding involving the service, charge or rate made by any privately owned public utility furnishing services or commodities to rate payers within the county. Added by amendment in committee of the whole – see Journal 81, p. 631.

This amendment added in committee of the whole gives counties the constitutional authority to intervene in service or rate cases of privately owned utilities.

**Ports and Port Districts.**

Section 30. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Section a. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith. (C. P. 87, J. p. 461)

Approved without amendment – see Journal 81, p. 631.

**Metropolitan Districts; Incorporation; Purposes; Powers.**

Section 31. The legislature shall by general law provide for the incorporation by any two or more cities, villages or townships, or any combination or parts of same, of metropolitan districts comprising territory within their limits, for the purpose of acquiring, owning and operating either within or without their limits as may be prescribed by law, parks or public utilities for supplying sewage disposal, drainage, water, light, power or transportation, or any combination

Delete – see E. R. 2040, Journal 70, p. 446.

Deletion approved, see Journal 81, p. 632.

This section was deleted and a new provision added (see below).



*(General provisions continued)*

thereof, and any such district may sell or purchase, either within or without its limits as may be prescribed by law, sewage disposal or drainage rights, water, light, power or transpiration facilities. Any such districts shall have power to acquire and succeed to any or all of the rights, obligations and property of such cities, villages and townships respecting or connected with such functions or public utilities: Provided, That no city, village or township shall surrender any such rights, obligations or property without the approval thereof by a majority vote of the electors thereof voting on such question. Such general law shall limit the rate of taxation of such districts for their municipal purposes and restrict their powers of borrowing money and contracting debts. Under such general law, the electors of each district shall have power and authority to frame, adopt and amend its charter upon the approval thereof by a majority vote of the electors of each city, village and township, voting on such question, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this State.

New provision.

Section a. The legislature shall have power to establish in metropolitan areas such additional forms of govern-

Section a. The legislature shall have power to establish in metropolitan areas such additional forms of govern-

This section permits the legislature to create additional units of government in metropolitan areas to perform,

*(General provisions continued)*

Section a. (continued)  
ment or authorities with such powers, duties and jurisdictions as the legislature shall deem necessary.

Wherever possible, said additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Section b. The legislature shall provide by general law for the exercise of local government by 2 or more counties, cities, villages, townships, or districts, or any combination of 2 or more of such units of local government. Under such general law such units of local government shall have power:

- (1) To enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each local unit of government would have the power to perform separately;
- (2) To share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each local unit of government would have the power to perform separately;

Section a. (continued)  
ment or authorities with such powers, duties and jurisdictions as the legislature shall deem necessary.

Wherever possible, said additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Section b. The legislature shall provide by general law for the exercise of local government by two or more counties, cities, villages, townships, or districts, or any combination of two or more of such units of local government: which general law shall authorize such units of local government among other things:

- (1) To enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each local unit of government would have the power to perform separately;
- (2) To share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each local unit of government would have the power to perform separately;

(continued)  
whenever possible, multi-purpose function.

It also provides that the legislature shall provide for the exercise of common functions by two or more units of local government. Contracts, joint administration, sharing of costs, transfers of functions, creation of intergovernmental agencies, and intergovernmental loans of credit are all authorized.

*(General provisions continued)*

Section b. (continued)

(3) To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the consent of each unit or government involved;

(4) Jointly to cooperate with one another and with state government and intergovernmental agencies;

(5) To lend their credit in a manner prescribed by law in connection with any publicly-owned undertaking authorized herein.

Any other provision of this constitution notwithstanding, an officer or employee of any of said units of government or subdivision or agency thereof may serve on or with any governmental body established for the above purposes and shall not be required to relinquish his office or employment by reason of such service. (C. P. 88, J. p. 630)

Section b. (continued)

(3) To transfer to each local unit of government or combination thereof functions and responsibilities or both upon the consent of each unit or government involved;

(4) Jointly to cooperate with one another and with state government and intergovernmental agencies;

(5) To lend their credit in a manner prescribed by law in connection with any publicly owned undertaking authorized herein.

Any other provision of this constitution notwithstanding, an officer or employee of any of said units of government or subdivision or agency thereof may serve on or with any governmental body established for the above purposes and shall not be required to relinquish his office or employment by reason of such service. As amended in committee of the whole, see Journal 81, p. 612.

New provision.

Section a. The provisions of this constitution and the laws of this state concerning municipal corporations shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and the laws of the state of Michigan shall include those expressly granted or fairly implied and not inconsistent with nor prohibited by this constitution. (C. P. 84, J. p. 440)

Approved without amendment – see Journal 79, p. 612.

This section provides that the powers of municipal corporations and counties and townships shall be liberally construed.