

JOURNAL
OF
THE SENATE

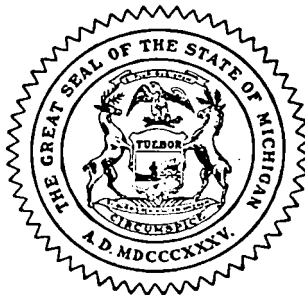
OF THE
State of Michigan

1947

REGULAR SESSION
IN TWO VOLUMES—VOLUME II

Printed by virtue of an act of the Legislature, under the direction and
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FRED I. CHASE
SECRETARY OF THE SENATE



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JOURNAL OF THE SENATE

NUMBER FIFTY.

Senate Chamber, Lansing, Monday, March 31, 1947.

8:00 o'clock p. m.

The Senate met pursuant to adjournment and was called to order by the President.

Rev. A. D. Hockaday of the North End Free Methodist Church, Lansing, offered prayer.

The roll of the Senate was called by the Secretary.

Present: Senators Bates, Bishop, Bonine, Burritt, Callahan, Cloon, Clothier, Down, Fletcher, Girrbach, Greene, Hamilton, Hittle, Klump, Milliken, Nichols, Nowak, Porter, Quinlan, Schuch, Smith, Tripp, Vandenberg, VanderWerp, Wood, Wright—26, a quorum.

Mr. VanderWerp moved that Mr. Heath be granted an indefinite leave of absence, due to illness.

The motion prevailed.

Absent with leave: Senator Heath—1.

Absent without leave: Senators Blondy, Brown, Kozak, Prescott and Reid—5.

Mr. Cloon moved that the absentees without leave be excused from today's session. The motion prevailed.

Messages from the Governor.

The following message from the Governor was received and read:

Office of the Governor, Lansing, March 31, 1947.

To the Sixty-fourth Legislature of the State of Michigan:
Gentlemen:

I have the honor to transmit herewith for your consideration a communication from the Secretary of State of the United States, together with a copy referred to therein of a Resolution of Congress, entitled—

“JOINT RESOLUTION Proposing an amendment to the Constitution of the United States relating to the term of office of the President.”

Yours respectfully,

KIM SIGLER,
Governor.

Following is the communication from the Secretary of State of the United States:

DEPARTMENT OF STATE, WASHINGTON, MARCH 27, 1947.

The Honorable
The Governor of Michigan,
Lansing.

Sir:

I enclose a certified copy of a resolution of Congress entitled “JOINT RESOLUTION Proposing an amendment to the Constitution of the United States relating to the terms of office of the President”, passed during the first session of the Eightieth

Congress of the United States, "Begun and held at the City of Washington on Friday, the third day of January, one thousand nine hundred and forty-seven". It is requested that you cause this joint resolution to be submitted to the Legislature of your State, for such action as it may take, and that a certified copy of such action be communicated to the Secretary of State, as required by section 160, title 5, United States Code, copy of which is enclosed.

An acknowledgment of the receipt of this communication is requested.

Very truly yours,

DEAN ACHESON,
Acting Secretary of State.

No. 1502

UNITED STATES OF AMERICA

[SEAL]

DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That the copy hereto attached is a true copy of a resolution of Congress entitled "JOINT RESOLUTION Proposing an amendment to the Constitution of the United States relating to the terms of office of the President", the original of which is on file in this Department.

[UNITED STATES SEAL]

In testimony whereof, I, Dean Acheson, Acting Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this twenty-fifth day of March, 1947.

DEAN ACHESON
Acting Secretary of State

By M. P. CHAUVIN
Authentication Officer
Department of State

Following is the joint resolution of Congress:

EIGHTIETH CONGRESS OF THE UNITED STATES OF AMERICA

At the First Session

Begun and held at the City of Washington on Friday, the third day of January, one thousand nine hundred and forty-seven

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for

more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

JOSEPH W. MARTIN, JR.
Speaker of the House of Representatives

WILLIAM F. KNOWLAND
Acting President of the Senate
pro tempore.

Messages from the Governor.

Approval —Permit appeals from state agencies.

The following message from the Governor was received and read:

Executive Office, Lansing, March 31, 1947.

To the President of the Senate:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State

Senate bill No. 23, (Enrolled No. 11), being

An act to amend chapter 6 of Act No. 314 of the Public Acts of 1915, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended, being sections 13941 to 13944, inclusive, of the Compiled Laws of 1929, by adding to said act a new section to stand as section 5 thereof.

Respectfully,

KIM SIGLER,
Governor.

Approval—Permit Industrial Loans For Term of 24 Months.

The following message from the Governor was received and read:

Executive Office, Lansing, March 31, 1947.

To the President of the Senate:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State

Senate bill No. 68, (Enrolled No. 13), being

An act to amend sections 38 and 175 of Act No. 341 of the Public Acts of 1937, entitled "An act to revise and codify the laws relating to financial institutions as herein defined; to create a state banking department, and to prescribe its powers and duties; to provide for the incorporation of financial institutions, and their regulation and supervision by the state banking department; to prescribe penalties for violations of the provisions of this act; and to repeal certain acts and parts of acts inconsistent with the provisions of this act," section 38 as last amended by Act No. 154 of the Public Acts of 1939, and section 175, as amended by Act No. 200 of the Public Acts of 1939.

Respectfully,

KIM SIGLER,
Governor.

The Senate agreed to the title of the bill.

Mr. Wright moved that the bill be given immediate effect.

The motion prevailed, two-thirds of all the Senators-elect having voted therefor

The following entitled bill was read a third time:

House Bill No. 98, entitled

A bill to repeal section 46c of chapter 2 of Act No. 314 of the Public Acts of 1915, entitled "The judicature act of 1915," being section 13659 of the Compiled Laws of 1929.

The question being on the passage of the bill, the roll was called and the Senators voted as follows:

YEAS—26.

Bates	Down	Milliken	Smith
Bishop	Fletcher	Nichols	Tripp
Bonine	Girrbach	Nowak	Vandenberg
Burritt	Greene	Porter	VanderWerp
Callahan	Hamilton	Quinlan	Wood
Cloon	Hittle	Schuch	Wright
Clothier	Klump		

NAYS—0.

So, a majority of all the Senators-elect having voted therefor,

The bill was passed.

The question being on agreeing to the title of the bill.

Mr. Hittle offered the following amendment to the title:

Amend the title of the bill by striking out the words "The judicature act of 1915," and inserting in lieu thereof the words "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,".

The amendment to the title was adopted.

The Senate agreed to the title as thus amended.

By unanimous consent the Senate returned to the order of

Messages from the House.

A message was received from the House of Representatives transmitting

House Concurrent Resolution No. 32.

A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to the terms of office of the President.

Whereas, The Eightieth Congress of the United States of America, at its First Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States:

"ARTICLE—

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Resolved, By the House of Representatives of the State of Michigan, (the Senate of the State of Michigan concurring), that in the name of, and on behalf of the people of the State of Michigan, we do hereby ratify, approve and assent to the said proposed amendment to the Constitution of the United States; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be transmitted by His Excellency, the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States.

The message informed the Senate that the House of Representatives had adopted the concurrent resolution; in which action the concurrence of the Senate was requested.

Pending the order that, under rule 59, the concurrent resolution be referred to the Committee on Senate Business and Rules.

Mr. Bishop moved that rule 59 be suspended.

The motion prevailed, two-thirds of the Senators present voting therefor.

The question being on the adoption of the concurrent resolution,

The roll was called and the Senators voted as follows:

YEAS—25.

Bates	Down	Klump	Smith
Bishop	Fletcher	Milliken	Tripp
Bonine	Girrbach	Nichols	Vandenberg
Burritt	Greene	Porter	VanderWerp
Callahan	Hamilton	Quinlan	Wood
Cloon	Hittle	Schuch	Wright
Clothier			

NAYS—0.

So, a majority of all the Senators-elect having voted therefor,
The concurrent resolution was adopted.

General Orders.

Mr. Cloon moved that the Senate resolve itself into Committee of the Whole for consideration of the general orders.

The motion prevailed, and the President designated Mr. Cloon as Chairman.

Accordingly, the Senate resolved itself into Committee of the Whole, with Mr. Cloon in the chair.

After some time spent therein, the Committee rose; and, the President having resumed the chair, the Committee, through its Chairman, reported back to the Senate, favorably and without amendment, the following entitled bills:

Senate Bill No. 190, entitled

A bill to amend chapter 4 of part 2 of Act No. 256 of the Public Acts of 1917, entitled "The insurance code," as amended, being sections 12360 to 12378, inclusive, of the Compiled Laws of 1929, by adding to said chapter a new section to stand as section 9a thereof.