

STATE OF MICHIGAN
COURT OF APPEALS

DONALD S. DURANT, et al.,

Plaintiffs,

v

STATE OF MICHIGAN, DEPARTMENT OF
EDUCATION, STATE OF MICHIGAN,
DEPARTMENT OF MANAGEMENT AND
BUDGET, and TREASURER OF THE STATE
OF MICHIGAN,

Defendants.

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May 10, 2002

9:25 a.m.

No. 230859

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August 16, 2002

Before: Neff, P.J., and Sawyer and Fitzgerald, JJ.

FITZGERALD, J. (*concurring*).

I agree that the legal conclusion reached by Judge Sawyer is supported by the strict language of Const 1963, art 9, § 11 (Proposal A). I write separately, however, because I share in Judge Neff's concern that the conclusion does not comport with the common understanding of the voters who approved Proposal A. However, as Judge Neff has aptly noted, the interpretation that the great mass of the people themselves would give Proposal A is of no regard where the text of the constitutional provision is unambiguous.

/s/ E. Thomas Fitzgerald