

suant to 28 U.S. Statutes at Large, page 946, supra, and Act 222, P.A. 1895, supra.

History has recorded that the biplane of the Wright Brothers rose from the ground for the first time on December 13, 1903 at Kitty Hawk, North Carolina. Aeroplanes were described as a comparatively recent invention by the court in *Platt v. Erie County Agricultural Society*, 149 N.Y.S. 520, decided in 1914.

It is untenable, therefore, to hold that the Congress of the United States in authorizing grant of the lands to the state of Michigan for a state park and for no other purpose considered an airport to be within contemplation of the phrase "state park." *Bernstein v. City of Pittsburgh* (Penn. 1951) 77 A 2d 452.

Therefore, it is my opinion that a lease by the Commission of forty acres of state park lands on Mackinac Island to the City of Mackinac Island for a period of twenty-five years for the purpose of operating an approved airport would violate the terms of the grant of land and would subject all of the park and military reservation lands to reversion to the United States because the state of Michigan would cease to use the lands as a state park.

FRANK J. KELLEY,
Attorney General.

63118.2

CITIES: Ordinances Creating a Human Relations Committee.

Ordinances creating a Human Relations Committee which has as its primary purpose education, counseling, conciliation, mediation, etc., are within the authority of a city since they do not seek to create or enforce these rights.

CONSTITUTIONAL LAW:

Such municipal ordinances conferring authority upon a human relations committee to conduct investigations is not in violation of the Michigan Constitution of 1963.

No. 4211

November 18, 1963.

Honorable Paul C. Younger
State Senator
609 Prudden Building
Lansing, Michigan

In your letter of August 16, 1963, you have requested an opinion of this office in regards to certain questions which have been rephrased in the following manner:

1. Does the Ordinance establishing the Human Relations Committee adopted by the City of Lansing violate the provisions of the Revised Constitution of 1963?
2. If the Ordinance gave the Human Relations Committee the power to initiate investigations and make investigations on their own

volitions, would such powers violate the provisions of the Revised Constitution of 1963?

There is contained within the Ordinance on Human Relations the following sections:

"17B.2. The Human Relations Committee shall:

"(a) Foster mutual understanding and respect among all racial, and nationality groups in the City of Lansing. It shall discourage discriminatory practices among any such groups, or any of its members. It shall cooperate with City, State, and Federal agencies as well as with nongovernmental organizations; it shall examine and make such studies in any field of human relations as in the judgment of the Human Relations Committee will aid in effectuating its general purpose.

"(b) It shall advise and recommend methods for furnishing equal service to all residents of this City; it shall develop pamphlets for city employees to study which prescribe methods of dealing with intergroup relations which develop respect for equal rights and which result in equal treatment without regard to race, color, creed, national origin or ancestry; assuring fair and equal treatment under law to all citizens; it shall give counsel and advice on how to protect the rights of all persons to enjoy public accommodations and facilities, and to receive equal treatment from all holders of contracts or privileges from the City, and advise the best methods of maintaining equality of opportunity for employment and advancement in the City government.

"(c) It shall study and examine problems arising between groups in the City of Lansing which may result in tensions, discrimination or prejudice on account of race, color, creed, national origin or ancestry.

"(d) It shall formulate and carry out programs of community education and information with the object of discouraging and eliminating any such tensions, prejudice or discrimination.

"(e) It shall examine, and if it deems advisable, make public report on any complaints of discrimination, tensions or prejudice filed with or referred to it.

"(f) It shall further issue such publications and reports of examinations and research as in its judgment will tend to minimize or eliminate prejudice, intolerance, race or area tensions and discrimination or which will promote or tend to promote good will.

"(g) It shall strive to secure the cooperation of various racial, religious, nationality and ethnic groups, formal or informal groupings in the community, veterans' organizations, fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance, and discrimination.

"(h) It shall cooperate with other public, governmental or private agencies in developing courses of instruction for presentation in public and/or private schools, in public libraries, or any other suitable place, showing and illustrating the contributions of various religions, nationality and ethnic groups to the culture, tradition and progress of our City,

State and Nation, and further showing the deplorable effects and menace of prejudice, intolerance, discrimination, racial, and area tensions.

“(i) It shall cooperate with Federal, State and City agencies and departments which request advise in carrying out projects within their respective authorities to eliminate inter-group tensions, and to promote inter-group harmony. It shall recommend to the Mayor and to the City Council measures, including legislation, aimed at improving the ability of the various city departments and agencies to insure protection of any and all persons and groups from discrimination because of race, color, creed, national origin and ancestry. It shall advise any official of competent authority on any matters involving civil rights or the violation thereof that may come to its attention.

“(j) It shall prepare and submit reports to the Mayor and City Council of its activities. At least one report shall be made annually.

“Section 17B.3. * * *

“Section 17B.4. The Human Relations Committee shall receive and examine complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, national origin or ancestry, and may conduct private or public hearings with regard thereto; carry on studies to obtain factual data to ascertain the status and treatment of racial, religious, and ethnic groups in the city, and the best means of progressively improving human relations in the city.

“Section 17B.5. The gathering of factual information is vital to the Human Relations Committee in the performance of its duties. In the event any person or persons find it impractical to supply such information to the Human Relations Committee, the Committee may in its discretion make its report to the City Council.”

This office, on October 3, 1963, issued its Opinion No. 4195 in which was stated the following:

“Ordinances such as those creating a human relations commission which has as its primary purpose education, counseling, conciliation, mediation, etc., are within the authority of a city since they do not seek to create or enforce these rights. Indeed, it would seem that agencies engaging in such techniques should be encouraged.”

In answer to Question No. 1, the Ordinance adopted by the City of Lansing in establishing a Human Relations Committee does not violate the provision of the Revised Constitution of 1963. The duties and functions of the Human Relations Committee as set forth herein could serve as a guide for other cities throughout the state.

This office, in its Opinion No. 4161 dated July 22, 1963, outlined the powers of the Civil Rights Commission as created by Art. V, Sec. 29 of the Revised Constitution, and I quote:

“From a plain reading of Article V, Section 29, it is clear that the people have conferred plenary power upon the Civil Rights Commission

in its sphere of authority as a constitutional commission to investigate and to secure the enjoyment of civil rights without discrimination."

A human relations committee created by ordinance in order to fulfill its function of education, conciliation, mediation, etc. must be able to ascertain the facts. This necessitates inclusion of the power to conduct investigations. Such power to investigate can be conferred. It must be stressed however that such power does not relate to the *enforcement* of civil rights. Therefore, in answer to your Question No. 2, ordinances providing for human relations committees may confer power upon the committee to conduct investigations and such conferred power would not conflict with the Michigan Constitution of 1963.

FRANK J. KELLEY,
Attorney General.

63118.3

ANNEXATION: Home Rule.

A city and a township can by mutual agreement recognize a change in the distribution of population as between themselves following annexation of territory by petition and resolution where no election has been held, and such agreement is binding upon state agencies.

SCHOOLS: School District.

A secretary of a school district does not have authority to sign an annexation petition on behalf of said district in the absence of authorization by resolution of the governing body of said district.

No. 4219

November 18, 1963.

Hon. James M. Hare
Secretary of State
The Capitol
Lansing, Michigan

This will acknowledge receipt of your letter of September 16, 1963, requesting an opinion of the Attorney General as to the questions stated therein which I have rephrased and changed the order as follows:

1. Can a city and a township settle by mutual agreement a change in population following annexation of territory by petition and resolution where no election has been held, and is this agreement binding upon state agencies?
2. Does a secretary of a school district, without authorization by a resolution of the governing body of said district, have authority to sign an annexation petition on behalf of said district?

Section 14 of Act 279, PA 1909 (the Home Rule Cities Act), as last amended by Act 77, PA 1956,¹ provides in part as follows:

"* * * Whenever a part of a city, village or township is annexed to a city, the city to which such territory is annexed shall be entitled to its proper pro rata share of any of the said state funds, moneys

¹ Mason's 1961 Supplement, § 117.14; M.S.A. 1961 Cum. Supp. § 5.2093.