

juristic entity separate and apart from the constituent counties. Its limited powers, the nature of its authority and its mode of operation are indicia to the contrary. Moreover, certain attributes sometimes indicative of a juristic entity are absent. The legislature has not declared the committee to be a body corporate, nor has it conferred upon the committee capacity to sue or be sued. It has only limited authority to contract and to receive property. As observed, support of the committee, personnel, services or materials, may be offered by member counties in lieu of finances. The privilege of such choice of support by member counties weighs against a conclusion of independent status of the committee.

I, therefore, conclude that the supervisors' intercounty committee is not a juristic entity for the purpose of the statute in discussion; hence, the committee is not authorized to enter into an agreement under Act 205, supra, with your board.

FRANK J. KELLEY,  
*Attorney General*

650 716.1

**PUBLIC OFFICES AND OFFICERS: Term of office of Representatives in the Legislature.**

Members of the House of Representatives are presently elected for two-year terms. Were an amendment providing for four-year terms ratified at the 1966 general November election, such amendment would become effective 45 days after the election. Whether the same would have the effect of extending the term of those elected at that election to four years would depend upon the intention of the people in adopting said amendment as expressed therein.

No. 4452

July 16, 1965.

Hon. James H. Karoub  
House of Representatives  
The Capitol  
Lansing, Michigan

You have requested my opinion upon the following question:

"Can a candidate for the office of State Representative, running for election in the 1966 general election under the provisions of the present constitution (which stipulates a 2-year term for that office), serve a 4-year term beginning January 1, 1967 if the majority electorate adopted such a referendum at the same general election (1966)?"

Section 3 of Article IV of the Constitution specifies:

"The House of Representatives shall consist of 110 members elected for two-year terms . . ."

Your question contemplates a proposal to amend such constitutional provision so as to provide for the election of members to the House of Representatives for four-year terms and the submission of the proposed amendment

to the electors at the general November election of 1966. Section 1 of Article XII specifies:

"If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved."

Consequently, such amendment, even though ratified at that election, would not become effective until the expiration of 45 days thereafter. In the meantime, members of the House of Representatives would have been elected at said election as provided by the Constitution and implementing legislation prior to said amendment for a term commencing on the first of January 1967.<sup>1</sup> Prior to the expiration of said 45-day period, said amendment providing for the four-year term would not be in effect.<sup>2</sup>

Answer to your question, however, depends upon the intent of the people in adopting such amendment. Thus, the amended provision might be so phrased as to merely evidence intention that commencing with the first election for members of the House of Representatives held after the effective date of such constitutional amendment, the members would be elected for four-year terms.

However, there is no reason why such amendment could not have the effect of extending the term of those elected at said 1966 general November election for an additional two years making a total of four years, provided that the amendment is so phrased as to express that intention.<sup>3</sup>

FRANK J. KELLEY,  
*Attorney General.*

650 805.1

**RETIREMENT: Funds.**  
**SAVINGS AND LOAN ASSOCIATIONS: Investment of retirement funds.**  
**CONSTITUTIONAL LAW:**

Public employee pension and retirement funds may be legally invested in state-chartered and federal-chartered savings and loan associations situated in this state.

No. 4439

August 5, 1965.

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

You have asked for my opinion on the following question:

"May public employee pension and retirement funds be legally invested in state-chartered and federal-chartered savings and loan associations?"

<sup>1</sup> Section 2 of Article XI of the Constitution.

<sup>2</sup> *Hamilton v. Secretary of State*, 204 Mich. 439.

<sup>3</sup> O.A.G. 1943-44 § 0-397, p. 331.