THE EIGHT Proposed Amendments to the Constitution of the STATE OF MINNESOTA

Submitted by the Legislature at Its General Session, 1915, Together With a Statement of the PURPOSES AND EFFECTS,

Prepared by Hon. Lyndon A. Smith, Attorney General of Minnesota.

Addressed to Julius A. Schmahl Secretary of State

OFFICE OF THE ATTORNEY GENERAL, ST. PAUL.

April 7, 1916.

Honorable Julius A. Schmahl,
Secretary of State,
Capitol.

DEAR SIR: Pursuant to your request and in accordance with the provisions of Section 46, Statutes 1913, I herewith hand you statement of the purposes and effect of all amendments to the Constitution proposed by the legislature of 1915 and to be submitted to the electors at the next general election; such statement also shows the reading of the existing sections and the way the same will read if the amendments are adopted.

Yours truly,
LYNDON A. SMITH,
Attorney General.

PROPOSED AMENDMENT NO. 1.

By Chapter 379, Laws 1915, the legislature proposed for adoption by the electors, an amendment of Section Two (2) of Article Eight of the Constitution, by adding to said Section Two a new paragraph.

Section Two as it now stands reads as follows:

Section 2. "SCHOOL AND SWAMP LANDS—SCHOOL FUNDS FROM SALE OF—The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township in this state shall remain a perpetual school fund to the state; and not more than one-third of said lands may be sold in two years, one-third in five years, and one-third in ten years; but the lands of the greatest valuation shall be sold first: Provided, that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands or other property, granted or [illegible]ted to this state in each town[illegible] for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the state, in proportion to the number of scholars in each township, between the ages of five and twenty-one years; and shall be faithfully applied to the specific objects of the original grants or appropriations. Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof in interest-bearing bonds of the United States, or of the State of Minnesota issued after the year 1860, or of such other state as the legislature may by law from time to time direct. All swamp lands now held by the state, or that may hereafter accrue to the state, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same less one-third, as is provided by law for the appraisement and sale of the school lands under the provisions of title one of chapter thirty-eight of the General Statutes. The principal of all funds derived from sales of swamp lands as aforesaid shall forever be preserved inviolate and undiminished. One-half of the proceeds of said principal shall be appropriated to the common school fund of the state; the remaining one-half shall be appropriated to the educational and charitable institutions of the state in the relative ratio of cost to support said institutions."

The paragraph which it is proposed to add to said Section Two reads as follows:

"A revolving fund of not over two hundred fifty thousand dollars ($250,000) may be set apart from the fund derived from the sale of school and swamp lands, to be used in constructing roads, ditches and fire breaks in, through and around unsold school and swamp lands and in clearing such lands, such fund to be replenished as long as needed from the enhanced value realized from the sale of such lands so benefited."

Under Section Two as it now stands the proceeds of the sale of school and swamp lands constitute the principal of a trust fund, the income of which is used for the support of the schools, educational and charitable institutions of the state. Section Two as it now stands provides that the principal of such fund "shall forever be preserved inviolate and undiminished."

THE EFFECT of the proposed amendment, if adopted, will be to modify the provision last quoted to the extent of permitting the legislature to set aside not to exceed $250,000 of the principal of the trust fund as a revolving fund to be used for the purposes stated in the amendment proposed.

PROPOSED AMENDMENT NO. 2.

By Chapter 380, Laws 1915, the legislature proposed for adoption by the electors, an amendment of Section Six (6), of Article Eight (8) of the Constitution.

Section Six as it now stands reads as follows:

"Section 6. INVESTMENT OF SCHOOL FUNDS — The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed fifteen per cent of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three per cent per annum, nor for a shorter period than five years, nor for a longer period than twenty years, and no change of the town, school district, city, village or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds."

If the proposed amendment is adopted it will then read as follows:

"The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, and in first mortgage loans secured upon improved and cultivated farm lands of this state. But no such investment or loan shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable property of the county, school district, city, town or village issuing such bonds; nor shall any farm loan, or investment be made when such investment or loan would exceed 30 per cent of the actual cash value of the farm land mortgage to secure said investment; nor shall such investments or loans be made at a lower rate of interest than 3 per cent per annum, nor for a shorter period than five years, nor for a longer period than thirty years, and no change of the town, school district, city, village or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of issuing of such bonds from any liability for taxation to pay such bonds."

THE PURPOSE of the amendment is to authorize the investment of the permanent school and university funds in first mortgage loans secured upon improved and cultivated farm lands where the amount of the loans so secured does not exceed 30 per cent of the value of the land mortgaged.

THE EFFECT of the adoption of the proposed amendment will be to permit the legislature to authorize the investment of the permanent school and university funds in farm mortgages as above stated, as well as in the bonds of any county, school district, city, town or village of this state. Under Section Six as it now reads bonds cannot be purchased unless they mature at least five and not more than twenty years after purchase. If the amendment is adopted, bonds and mortgages may be purchased if they mature not less than five nor more than thirty years after purchase.

PROPOSED AMENDMENT NO. 3.

By Chapter 381, Laws 1915, the legislature proposed for adoption by the electors, an amendment of Article Nine (9) of the Constitution by adding thereto a new section, which reads as follows:

"Section 17. The legislature is hereby authorized to provide by law for the mining and sale of any iron ore or other minerals which the state owns, in its sovereign capacity, and as trustee for the people of the state, which are situate under the waters or bed of any meandered public lake or river, and for that purpose may provide for the drainage of any such lake or river, or the diversion of the waters thereof to a new bed or channel, provided, however, that the vested riparian rights of private persons or corporations owning land adjoining such lakes shall not be destroyed or damaged without their consent, unless compensation therefor shall be first paid or secured. The principal of all funds arising from the sale of such iron ore, or other minerals, shall forever be preserved inviolate and undiminished, but the income therefrom shall be used for the construction, improvement and maintenance of the public roads of the state. The principal of such funds shall be loaned or invested in the same manner, by the same officers and upon the same terms as is, or from time to time hereafter may be authorized by the constitution and laws, for the loaning or investment of the permanent school and university funds of the state."

THE PURPOSE of the proposed amendment cannot be more clearly stated than is expressed therein.

THE EFFECT of the amendment, if adopted, would be to confer power on the legislature to provide by law for the mining of iron ore and other minerals, which the state owns in its sovereign capacity and situate under the bed of any meandered public lake or river, subject to the restriction that the rights of riparian owners on any such lake or river, shall not be destroyed or injured without compensation. If the legislature exercises the power, in case it is conferred, it could also provide for the drainage or diversion of the waters of the lake or river with reference to which it so legislates; it could also prescribe by whom such minerals could be mined and the compensation to be paid to the state therefor. The proceeds of the sale of any such minerals would constitute a fund to be loaned and invested the same as the permanent school and university funds, the income of such fund to be used in the construction, improvement and maintenance of public roads.

PROPOSED AMENDMENT NO. 4.

By Chapter 382, Laws 1915, the legislature proposed an amendment to Section Two (2) of Article Six of the Constitution.

Said Section 2 now reads as follows:

"Section 2. SUPREME COURT—The supreme court shall consist of one chief justice and two associate justices, but the number of associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the state, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified; and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had."

If the proposed amendment is adopted the section will then read as follows:

"Section 2. The supreme court shall consist of one chief justice and six associate justices. Five shall constitute a quorum, and the concurrence of at least four shall be necessary to a decision. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions and a clerk of the supreme court."

PURPOSE AND EFFECT: The Supreme Court as now constituted consists of a chief justice and four associate justices. The clerk of said court is now elected. If the amendment is adopted, two associate justices will be added to the court and the clerk will be appointed by the court instead of being elected by the voters.

PROPOSED AMENDMENT NO. 5.

By Chapter 383, Laws 1915, the legislature proposed for adoption by the electors, an amendment of Section Eleven (11) of Article Four (4) of the Constitution.

Said section now reads as follows:

"Section 11. APPROVAL OF BILLS BY GOVERNOR — VETO POWER—Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the state. If he approves he shall sign and deposit it in the office of the secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it with his objections, to the house in which it shall have originated; when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if it be approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law. If any bill presented to the governor contains several items of appropriation of money he may object to one or more of such items, while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to in whole or in part shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval in whole or in part from any item or items contained in a bill appropriating money."

PURPOSE AND EFFECT: Under the Constitution as it now is, the governor may veto any item in an appropriation bill, but he cannot cut down the amount appropriated for any specific purpose. The amendment, if adopted, will give the governor power to reduce the amount of an appropriation for any given purpose, unless upon transmittal to the legislature of a statement of the part of an item of an appropriation bill to which he objects, the two houses, each by a two-thirds vote, approve the item as it was originally passed.

PROPOSED AMENDMENT NO. 6.

By Chapter 384, Laws 1915, the legislature proposed an amendment of Section Thirteen (13) of Article One (1) of the Constitution.

The section as it now stands reads as follows:

"Section 13. PRIVATE PROPERTY FOR PUBLIC USE — Private property shall not be taken, destroyed or damaged for public use, without just compensation therefor first paid or secured."

If the amendment is adopted the section will read as follows:

"Section 13. Private property shall not be taken, destroyed or damaged for public use, without just compensation therefor first paid or secured, and such private property may be taken, destroyed or damaged for the purpose of private as well as public drainage upon just compensation therefor being first paid or secured."

THE PURPOSE of the proposed amendment is to permit the taking of private lands for the purpose of drainage purposes where the drain or ditch will be of no public benefit, but on the contrary will only benefit the land or lands of the person or persons constructing the drainage ditch.

PROPOSED AMENDMENT NO. 7.

By Chapter 385, Laws 1915, the legislature proposed for adoption by the electors, an amendment of Section One (1) of Article Four (4) of the Constitution.

Section One as it now stands, reads as follows:

"Section 1. TWO HOUSES — SESSIONS — The legislature shall consist of the senate and house of representatives, which shall meet biennially at the seat of government of the state, at such time as shall be prescribed by law, but no session shall exceed the term of ninety legislative days, and no new bill shall be introduced in either branch except on the written request of the governor, during the last twenty days of such session, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor."

If the amendment is adopted, the section will then read as follows:

Sec. 1. TWO HOUSES—SESSIONS. — The legislature shall consist of the senate and house of representatives, which shall meet biennially at the seat of government of the state, at such time as shall be prescribed by law, but no session shall exceed the term of ninety (90) legislative days, and no bill shall be introduced in either branch, except on the written request of the governor, during the last twenty days of such session, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor; but the people reserve to themselves direct power as follows:

(a) CONSTITUTIONAL INITIATIVE.—When at any time prior to the commencement of any session of the legislature, there shall have been filed with the secretary of state a petition proposing an amendment to the constitution, signed by two per centum of the electors of the state, the secretary of state shall transmit the same to the legislature not later than ten (10) days after the commencement of the session. If the amendment so proposed be not submitted to the electors by the legislature at such session, or if it be submitted in an amended form, then, upon a further petition or petitions, each signed by eight per centum of the electors of the state, filed with the secretary of state within six months after the adjournment of the legislature, the amendment proposed in the first petition, or one or more amended forms thereof, shall be submitted to the electors for their approval or rejection at the next general or special state-wide election occurring not less than ninety days after the filing of any such further petition. Any amendment proposed by initiative petition and, in its original or in an amended form, submitted to the electors by the legislature or by a further petition, shall become a part of the constitution, if approved by a majority of the electors voting at such election, or by four-sevenths of the electors voting on the proposed amendment; provided, not less than three-sevenths of the electors voting at said election voted for the proposed amendment. This section shall be construed as a means in addition to Section 1, Article 14, of the state constitution, for amending the same.

(b) STATUTORY INITIATIVE. —When at any time prior to the commencement of any session of the legislature there shall have been filed with the secretary of state, a petition proposing a law, signed by two per centum of the electors of the state, the secretary of state shall transmit the same to the legislature not later than ten (10) days after the commencement of the session. If the law so proposed be not passed by the legislature at such session, or if it be passed in an amended form, then upon a further petition or petitions, each signed by six per centum of the electors of the state, filed with the secretary of state within six months after the adjournment of the legislature, the law proposed in the first petition or one or more amended forms thereof, shall be submitted to the electors at the next general or special state-wide election, occurring not less than ninety days after the filing of any such further petition or petitions, and if approved by a majority of the electors voting thereon, **provided the vote in favor of the proposed law be not less than thirty-three per centum of the total number of votes cast at such election,** the same shall become a law and go into effect thirty days after such election, and shall supersede any amended form of such law which may have been passed by the legislature. No law passed by the initiative petition and approved by the electors shall be subject to the veto of the governor. The authority of the people to enact laws, as provided in this subdivision, shall extend only to laws authorized by the provisions of the constitution.

(c) THE REFERENDUM. — If within ninety days after the final adjournment of any session of the legislature, a referendum petition, signed by six per centum of the electors of the state, shall be filed with the secretary of state against any law or any part of a law, passed by the legislature at such session, such law, or such part of a law shall be submitted to the electors at the next general or special state-wide election, occurring not less than ninety days after the filing of said petition. If a majority of the votes cast thereon be in the negative, **provided such negative vote be not less than thirty-three per centum of the total number of votes cast at such election,** such law or such part of a law shall thereby be repealed. Provided, that if a referendum petition is signed by fifteen per centum of the electors of the state, the law, or part of a law, against which such petition is filed shall be suspended pending the referendum vote thereon. **Provided the same shall equal 33 per cent of the votes at such election.**

Any law providing for a tax levy or appropriating money for the current expenses of the state government or state institutions, any act of the legislature submitting a constitutional amendment or other question to the electors of the state, or any emergency law necessary for the immediate preservation of the public peace, health, or safety, shall go into effect immediately upon its passage and approval by the governor, and such laws, except emergency laws, shall not be subject to a referendum vote. All other laws shall go into effect ninety days after the adjournment of the legislature. A bill proposing an emergency law shall contain a preamble briefly setting forth the facts constituting the emergency. A separate vote shall be taken upon the preamble of such bill by a call of the yeas and nays, and if the preamble be adopted by a two-thirds vote of all the members of each house, it shall be an emergency law.

(d) GENERAL PROVISIONS.—All petitions provided for in this section shall contain a title indicating the subject and purpose of the proposed law or constitutional amendment, or the law, or part of a law to be referred, and if a change is proposed in an existing constitutional provision or statute, in addition to referring to the same, it shall state the general effect of the proposed change and also the full text of the proposed law or amendment to the constitution, or of the law or part of a law, to be referred. Any initiative or referendum petition may be signed in separate parts but each part shall conform to the provisions herein contained. All petitions shall be signed and verified before a person authorized to administer an oath, and shall be in such form that a person signing a petition thereby states under oath, the date of his signature, his residence, that he is a qualified elector, that he has not previously signed any part of such petition, and that he has signed the petition with knowledge of the contents thereof. To each part of such petition shall be attached the affidavit of the person before whom the same was signed, which affidavit shall contain a statement of the number of signers thereon, that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed such petition to be electors, that they signed such petition with knowledge of the contents thereof, and that each person signed the same on the date stated opposite his name. The circulation of the petition provided for herein, or the prohibition of the circulation thereof, may be regulated by law, and in case the circulation of any petition is prohibited by law, the percentage of signers required on any petition provided for in this section shall be one-half of the percentage specified in subdivisions a, b and c of this section.

The percentage in any case shall be based upon the total number of votes cast for governor at the next preceding election. All petitions provided for in this section shall contain the signature of not less than one-half of the designated percentage of the electors in not less than one-fourth of the counties of the state. In initiating a law or constitutional amendment, electors who have signed the first shall be qualified to sign the second petition.

The sufficiency of all petitions shall be decided by the secretary of state subject to review by the court. If the secretary of state decides that any petition is insufficient, he shall permit a reasonable time for making corrections or for filing additional signatures. In the event of legal proceedings in court to prevent giving effect to any such petition on account of insufficiency, or any other ground, the burden of proof shall be upon the person attacking the petition. No law or amendment to the constitution initiated and approved by the electors as herein provided, shall be held unconstitutional or void on account of the insufficiency of any initiative petition; nor shall the repeal of any law submitted by referendum petition be held invalid for such insufficiency.

All initiative laws and constitutional amendments shall be so submitted to the electors as to permit an affirmative or negative vote upon each measure submitted. If conflicting proposed laws or conflicting proposed amendments to the constitution be approved at the same election, the one receiving the highest number of affirmative votes shall prevail as to conflicting provisions.

The style of all legislative measures and amendments to the constitution initiated by the people under this section shall be: "Be it enacted by the People of the State of Minnesota."

The provisions of this section may be enforced by appropriate legislation, but until such legislation has been enacted, this section shall be self executing.

THE PURPOSE AND EFFECT of this amendment, if adopted, will be three-fold.

(a) It will permit the voters to propose amendments to the state constitution, for adoption, without action by the legislature. Under the constitution as it now stands constitutional amendments can be proposed only by the legislature.

(b) So, too, if adopted, the amendment will permit electors to propose laws for enactment and if not enacted by the legislatures, the voters may by sufficient petition, require the question of the enactment of the proposed law to be submitted to the voters. If approved by a majority of the electors voting, thereon, provided the vote in favor of the proposed law is not less than thirty-three per cent of the total number of votes cast at such election, the same becomes a law with the same force and effect as though passed by the legislature. The governor will have no power to veto a law so passed, but the people cannot so pass any law which is prohibited by the constitution.

(c) So too, if adopted, the amendment will permit the voters by proper petition to require a vote on the question of whether or not any law or part thereof, of certain classes of laws, passed by the legislature shall be repealed. If the petition asking for the referendum is signed by fifteen per cent of the voters of the state, the number of whom is to be determined by the number of votes cast for Governor at the preceding election, the law so referred to the voters will not take effect pending the referendum vote thereon. The vote required to repeal a law passed by the legislature and the classes of laws which cannot be so repealed are specified in Subdivision "C" of the proposed amendment as above printed.

PROPOSED AMENDMENT NO. 8.

By Chapter 386, Laws 1915, the legislature proposed for adoption by the electors an amendment of Section 7, Article 6, of the constitution.

The section now reads as follows:

"Section 7. PROBATE COURTS—There shall be established in each organized county in the state a probate court, which shall be a court of record, and be held at such times and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk of register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this constitution."

The amendment simply proposes to substitute the word "four" for the word "two" so that the sentence prescribing the duration of the term of office will, if the amendment is adopted, read as follows:

"It shall be held by one judge, who shall be elected by the voters of the county for the term of four years."

PURPOSE AND EFFECT: The amendment, if adopted will make the term of office of the Judge of Probate four years instead of two.

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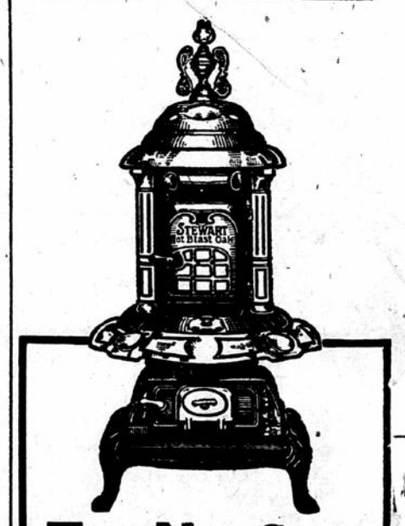

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