



League of Women Voters of Minnesota Records

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MINUTES AND ACTIVITIES
OF AMENDMENT
COMMITTEE

NOV 1957 - NOV 1958

November 4, 1957

First Draft of an Outline of a
Campaign to Support
CONSTITUTIONAL AMENDMENT #1

PERSONNEL CALENDAR

1. Volunteers

By December 1, a Steering Committee of 12-15 people and a General Chairman should be selected. Steering Committee to include members of organizations such as the League of Minnesota Municipalities, State Association of County Commissioners, Minnesota League of Women Voters, Republican Party, Democrat-Farmer Labor Party, Minnesota Editorial Association, Minnesota labor movement, governor's office, and other statewide groups.

By March 1, a General Committee of at least 100 persons should be organized with members from all parts of the state, with key people in various groups. If possible, a chairman will be obtained in each county, who would also be on the General Committee.

By July 1, a list of 1,000 people who are supporters of the amendment will be obtained for use in publicity during the fall.

2. Paid Personnel

By April 1, if finances permit, a part-time person will be employed, to coordinate the campaign. Prior to this time, staff work will be done in the League of Minnesota Municipalities and the Citizens League offices.

By September 1, a full-time member and a secretary will be hired to work through the election date on November 4.

MATERIALS CALENDAR

By December 1, the following materials will be prepared in rough form for approval:

1. A factual booklet giving considerable background on the amendment for use by workers.
2. A promotional folder which will present an explanation of the amendment and the reasons for support in the more popular style.

These will be set up so they can be reprinted with additional names added as additional organizations indicate their support for the amendment.

3. A letter inviting organizations to have a speaker on the amendment and then consider taking a position in support of it, with a list of qualified speakers.

4. A sample resolution supporting the amendment.
5. A letter to individuals asking that they allow their names to be used, with a reply form.
6. Proposed stationery for the campaign, with a slogan and appropriate symbol.
7. By April 1, the first news release for statewide distribution to Minnesota newspapers, radio and TV stations will be prepared. Releases will go out at least twice a month thereafter until September 1, when releases will be sent out weekly and in some cases daily.
8. By September 1, layout for posters and newspaper ads will be prepared.
9. By September 1, radio and TV shorts will be developed, and distribution of them will be started right after the primary election.

PROMOTION CALENDAR

On February 22, the establishment of the committee to support Amendment #1 will be announced, giving the chairman and the Steering Committee. The support of particular groups will be announced as it is reported to us.

TV shorts in October, 1958, will be devoted to the amendment. On September 1, the full roster of the committee supporting the amendment will be released.

MEETINGS CALENDAR

November 4, 1957 - Planning session - League of Minnesota Municipalities office
November 22, 1957 - Planning session - League of Minnesota Municipalities office
December 13, 1957 - First meeting of the Steering Committee
January 10, 1958 - Second meeting of the Steering Committee
February 14, 1958 - Third meeting of the Steering Committee
March 14, 1958 - Fourth meeting of the Steering Committee
April 14, 1958 - Fifth meeting of the Steering Committee
May 9, 1958 - First meeting of the General Committee
September 12, 1958 - Second meeting of the General Committee
September 26, 1958 - Sixth meeting of the Steering Committee
October 10, 1958 - Seventh meeting of the Steering Committee
October 24, 1958 - Third meeting of the General Committee

FINANCE CALENDAR

Budget for preliminary period - November 4, 1957, through March 30, 1958 - \$200, to cover stationery, postage, long distance telephone calls, and first run of promotional materials.

Budget for second phase - April 1, 1958, to September 1, 1958 - \$1,000, to cover part-time employee, additional materials, postage, telephone and miscellaneous expenses.

Budget for final period, September 1, 1958, to November 4, 1958 - \$3,000, to cover full-time personnel, promotional materials, billboards, ads, etc.

January 27, 1958

MINUTES OF MEETING OF
January 3, 1958

COMMITTEE FOR CONSTITUTIONAL AMENDMENT NO. 1

A dinner meeting of the committee for constitutional amendment No. 1 was held in the Normandy Hotel, Minneapolis, at 5:30 p.m., January 3, 1958. Present, in addition to Ray Black who presided, were Jerry Regnier and Mrs. Stanley G. Peterson (Citizen's League); Marlene G. Mitchell (Minnesota Young DFL); Leonall Andersen (Minnesota Young Republican League); George Farr (DFL); Mrs. Kenneth Green and Mrs. Robert O. Uppgaard (League of Women Voters); Harold Harris (Jr. Chamber of Commerce); Charles Howard (State Bar Association); Mrs. Fred Paul and William Wettergren (Minnesota School Board Association); Ralph Keyes (State Association of County Commissioners); Edward Slettom (Minnesota Association of Co-ops); Senators Donald Fraser and Gordon Rosenmeier; Orville C. Peterson (League of Minnesota Municipalities). The following is a brief summary of subjects discussed and action taken:

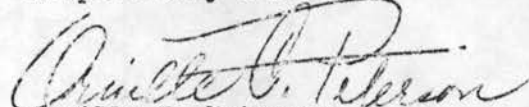
1. Following introductions of those present, the Chairman explained the purpose of the committee and invited all groups represented to participate in the committee's work, even though the organizations have not yet committed themselves with reference to support of the amendment. It was recognized that in a number of instances this cannot occur until formal action is taken either at a board meeting or, in some instances, at the annual meeting of the organization.
2. At the request of the chair the undersigned explained the provisions of Amendment No. 1 and answered a number of questions about its scope, purpose and effect.
3. Senator Rosenmeier traced the history of the proposal, mentioning the work of the constitutional commission in 1948, unsuccessful attempts made in the 1949, 1953, and 1955 legislature, and changes made in the senate in 1957. He called particular attention to the problems involved in drafting a suitable provision to replace the present unworkable sections on special legislation.
4. The chairman outlined activities to date, noting that this was the fourth meeting of the group.
5. At the request of the chair, persons present filled out a dittoed information sheet for use by the committee. He made clear that this involved no commitment by any of the groups represented.
6. There was some discussion of a suitable permanent chairman after it was reported that former Senator Dahlquist had been approached but had said he could not serve. George Farr moved that the president or vice-president of the League of Minnesota Municipalities be asked to serve as co-chairman with the president of the State Association of County Commissioners, Lew Larson, of Mabel, Fillmore County, and that appropriate political party candidates, perhaps the two candidates for governor, be asked after the state primary to serve as honorary co-chairmen. The motion was seconded and carried. The chairman solici-

ted suggestions for treasurer and promised to make further inquiries before the next meeting.

7. After some discussion it seemed to be the consensus that a decision on the question of a unified campaign on all three amendments should be deferred and that temporarily the committee should proceed with organizing a campaign for Amendment No. 1.
8. The chairman called attention to the draft of campaign plans which had been given to each person in attendance and solicited suggestions.
9. The chairman called attention to the budget set up to carry out these plans, and gave some tentative figures on how much is hoped to be raised in Minneapolis, St. Paul and the rest of the state to finance the campaign.
10. Attention was called to the materials included in the packet given each person present and comments were solicited, though lack of time prevented much discussion at the meeting. Copies of the amendment and the League of Minnesota Municipalities memorandum explaining it were distributed to those who had not received them.
11. The next meeting of the committee was fixed for Friday, February 14, at 3:30 p.m. in the office of the League of Minnesota Municipalities, 15 University Library.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,


Orville C. Peterson
Secretary

INFORMATION COMMITTEE ON CONSTITUTIONAL
AMENDMENTS # 1, 2 & 3

February 25, 1958

MINUTES OF MEETING OF INFORMATION COMMITTEE
ON CONSTITUTIONAL AMENDMENTS NOS. 1, 2 & 3

Next Meeting: March 14
3:30 p.m. League Office

A meeting of the committee heretofore referred to as the Committee for Constitutional Amendment No. 1 was held in the office of the League of Minnesota Municipalities, Room 16, University Library, Friday, February 14, 1958 at 3:30 p.m. Present were Lew Larson, President of the Minnesota County Commissioners Association and Co-chairman, who presided at the meeting, Black, Keyes, Wettergren, Mrs. Mattie Peterson, Mrs. Uppgaard, Butler, Harris, Howard, Regnier, Mrs. Smerling and Orville Peterson. The following is a brief summary of subjects discussed and action taken:

1. Minutes of Previous Meeting.

On motion of Mr. Keyes reading of the minutes of the January 3, 1958 meeting were dispensed with and approved as circulated in mimeographed form.

2. Discussion of Committee Purpose.

Mr. Black suggested that the committee be changed to one which would furnish information on all three amendments both pro and con. Contributions to such a group could be made without losing tax deductibility and, in case of corporations, without possibly violating the corrupt practices act. He observed that individual organizations committed to one or more of the amendments could still carry on their own activities on behalf of those amendments. Mr. Black then moved that the committee be called the "Information Committee on Constitutional Amendments #1, 2, and 3". The motion was seconded and carried.

3. Report on Action Since Last Meeting.

Mr. Keyes reported unanimous approval of all three amendments by the convention of the Minnesota County Commissioners' Association the previous week. He added that perhaps individual county board resolutions approving the amendment can be asked for about September.

Mr. Peterson reported that Harold Thomforde, former Mayor of Crookston (President of the League of Minnesota Municipalities) had agreed to serve as co-chairman though not (in the absence of League endorsement of the amendment) as a representative of the League. Mr. Peterson also reported that a subcommittee to study Amendment No. 1 had been set up by the Governor's Advisory Committee on Suburban Problems and that the three members of the subcommittee (Mayor Joyner

of Osseo, Mayor Merwin of Robbinsdale, and Mayor Eck of Circle Pines) had been asked to serve on the League Home Rule Committee. He reported also the recent meeting of the League Committee on Home Rule which deferred taking a stand on Amendment No. 1 but did some work on implementing legislation with reference to special law procedure.

Mr. Harris reported sending out information about Amendment No. 1 to the various local junior chambers after which the executive committee approved the amendment at the Moorhead convention, but the Board of Directors finally tabled action because of lack of information. He hoped that endorsement would come at a forthcoming meeting.

Mrs. Uppgaard reported sending out letters to all local League of Women Voters units to provide information and encouraging of local volunteers to work on the amendments. She noted some questions raised by members of her organization about one phase of Amendment No. 3 and that the League's stand on this amendment is being restudied.

Mrs. Mattie Peterson called attention to the Republican recessed convention scheduled for February 22 and offered to see whether this might be an appropriate time to raise the question of endorsement of the amendment or whether the subject should be deferred to the state convention this spring.

After conferring with Ralph Keller by telephone, Mr. Black noted some contact with the legislative committee of the Minnesota Editorial Association and the need for work with that committee in connection with the MEA convention the following week. He also noted that the organization of suburban editors had voted to oppose Amendment No. 1. The committee's attention was called to the editorial opposing the amendment which appeared in December in the Bloomington Sun, Mr. Peterson's rebuttal letter and Mr. Black's personal conference with Mr. Donohue of the Sun. Mr. Wettergren then moved that the suburban editor's group be invited to join the League committee. The motion was seconded and carried.

4. Selection of Treasurer.

Mr. Black moved that Ralph Keyes be named treasurer of the committee. Motion was seconded and unanimously carried. Mr. Wettergren then moved that the Second Northwestern National Bank of Minneapolis be designated as depository for the committee. The motion was seconded and carried.

5. Newspaper Release.

Copies of a proposed newspaper release were circulated by Mr. Black and a few comments were secured about it. It was left to the chairman, secretary and treasurer to decide upon the date for the release. After some question had been raised about whether all of the release was sufficiently neutral in the light of the committee's name and present purpose, Mr. Howard moved that Mr. Black and Mrs. Smerling be authorized to edit the release and use their own judgment in putting it into final form. The motion was seconded and carried.

6. Finances.

The subject of committee contributions and finances was discussed briefly.

7. Discussion of the organization of a state-wide "Committee of 100".

Mr. Black circulated among members a form on which committee members were asked to suggest names of people in the various counties who might be willing to serve as members of a state-wide committee. Members were asked to fill these out and return them for follow-up action.

8. Stationery. It was decided informally to leave the names of endorsing organizations off committee letterheads at the present time. Mr. Black moved that the committee go ahead with printing of stationery when funds are available for the purpose. The motion was seconded and carried.

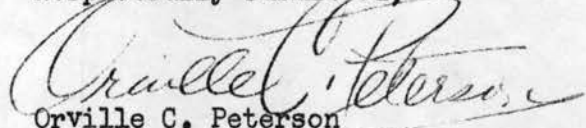
9. Art Work.

Various suggestions for a design that could be used on committee material were circulated among committee members. Partly because these had been prepared with Amendment No. 1 in mind, any action on this material was for some appropriate future time.

10. Next Meeting.

On motion of Mr. Black, the next meeting was fixed for the League office at 3:30 p.m. on Friday, March 14. The meeting adjourned at 5:15 p.m.

Respectfully submitted,


Orville C. Peterson
Secretary

League of Minnesota Municipalities

15 University of Minnesota Library • Minneapolis 14, Minnesota

Telephone: Federal 2-8158, Extensions 6185, 6186

March 5, 1958

MINUTES OF HOME RULE COMMITTEE MEETING February 26, 1958

NEXT MEETING:
9:30 a.m. APRIL 15
LEAGUE OFFICE

Pursuant to call, the second meeting of the Home Rule Committee was held in the League office on Wednesday, February 26, 1958 at 9:30 a.m. The following members were present: Chairman Fraser, Bowes, Marshall Hurley of St. Paul (for Mayor Dillon), Nelson, Omans, Perbix, Theurer, Richter and Schochet. Also present were Pete Donaghue of the Bloomington Sun, Aaron Litman of the White Bear Lake Press, Mrs. Kenneth Green of the Minnesota League of Women Voters, and Ray Black of the Citizens League of Minneapolis and Hennepin County. Orville C. Peterson, League Attorney, acted as secretary. Mayor Victoria Joyner of Osseo was also present.

After a brief review by Chairman Fraser of the previous meeting, the committee spent the morning in a discussion with the two editors present of objections made by these men to Amendment No. 1. The editors circulated a copy of a resolution presented by the suburban editors to the Minnesota Editorial Association at its convention the previous week.

The discussion with the editors centered principally around two provisions of the amendment—the initial sentence of the first section stating the legislature's power to provide for the creation, organization, administration, consolidation, division and dissolution of local government units and their functions and the provisions of section 3 relating to home rule charters, particularly the provision for consolidation or separation of a city and a county by charter. The editors expressed the fear that the first provision extended the present authority of the legislature to deal with these subjects and that the second, by not providing for approval by some majority of the affected political subdivisions, did not sufficiently protect them against absorption by the county despite the requirement for approval both in the city and in the remainder of the county. Mr. Donaghue argued that the amendment should be opposed and safeguards added in a new amendment to be submitted for a 1960 vote. Various members of the committee argued to the contrary: The choice, they said, is between the present constitution and Amendment No. 1; the proposal does not open the door to any legislative abuses with respect to consolidation that cannot exist under the present constitution; any enabling legislation for county charters will include restrictions to preserve the integrity of the local units; and there can be no assurance that if Amendment No. 1 is defeated, any further amendment will be proposed or that if it is proposed, it will be as good as this one.

When the committee reconvened after a luncheon recess, Mayor Joyner moved to ask the League Attorney to prepare a memorandum comparing the power of the legislature under the present and proposed constitutional provisions with respect to the subjects of suburban concern on which the editors had expressed themselves. Specific reference was to be included in the memorandum to the right of municipalities to continue their separate existence, except where they consent to merger or dissolution, and the rights of individual municipalities to approve changes in

their corporate status or functions. The motion was seconded and carried. Mayor Joyner, as chairman of the subcommittee on Amendment No. 1 of the Governor's Committee on Suburban Problems and as chairman of a similar committee of the Hennepin County League of Towns and Municipalities stated her intention to appoint a representative committee of suburban attorneys to whom this memorandum would be given for study, and criticism and report. It was agreed that the memorandum would also be circulated among members of the League committee.

It was also the consensus of the committee that under the circumstances any recommendation for a League stand in Amendment No. 1 should be deferred until the next meeting.

The committee then turned to a discussion of enabling legislation needed to implement Amendment No. 1 should it be adopted. After some discussion of procedure, Mr. Schochet moved that the committee recommend to the League Executive and Legislative Committees that a special legislative conference be held at the end of the year or the beginning of the legislative session to consider any recommendations made by this committee with reference to enabling legislation along with other recommendations that might be made in the light of interim commission reports. The motion was seconded and unanimously approved. It was then agreed informally that the committee would first go over the outline of the special legislation procedure bill which had been prepared by the secretary following the last committee meeting. Attention might then be directed, perhaps at the next meeting, to implementing legislation in the field of home rule charters. It was agreed, however, that these subjects were to be explored informally by the committee, with no formal decisions or recommendations for League action unless and until the amendment is ratified.

The committee then reviewed the February 4 outline of a proposed law on special legislation procedure and made the following informal decisions:

1. Governing body approval. The committee agreed that action of the governing body should be in the form of a resolution following a procedure spelled out in the statute itself. Charter provisions on referendum adoption procedure, etc. would be inapplicable. Action should be completed by the governing body no later than six months after the adjournment of the legislative session.
2. Elections. The law should require the governing body to submit the question of approval at a general or special election occurring more than 30 days after enactment of the special law and before the end of the next following year. A summary statement of the law, including the reference to the chapter or, if unavailable, to the bill number, should be included on the ballot.
3. Notice and hearing before governing body approval. Two weeks' published notice should be given of the hearing. The brief summary referred to in the mimeographed outline should be prepared under the direction of the local governing body. Here again it should include the chapter number or the House or Senate file number.
4. Notification of adoption of law. This was approved as given in the outline.
5. Certification to Secretary of State. The committee suggested that the certification should show all the jurisdictional facts necessary to valid local approval. Perhaps a form should be prescribed

by the Attorney General and furnished by the Secretary of State.

6. Effective Date. The suggestion in the outline was approved.
7. Publication of Laws. The committee agreed that all acts should be included in the session laws, whether approved or disapproved. It was also agreed that the Secretary of State should prepare for each legislative session a report of approvals and disapprovals of special laws adopted in the previous session and that this information should be printed with the session laws of that session.
8. Majority vote required. The suggestion included in the outline was agreed upon.

On other points for possible inclusion, the committee made the following suggestions:

1. Laws on which no approval is required. It was agreed that some further study should be given to the possible exclusion from these approval requirements of certain laws for which the normal kind of local government approval may be inappropriate. Examples given where the 1957 law authorizing the establishment of a garbage disposal authority by two or more municipalities (other than Minneapolis) in Hennepin County, the 1957 law establishing the Metropolitan Planning Commission, a law authorizing two or more local units to establish hospital districts in a particular county and similar enabling legislation applying to all the local government units of a single kind in a named county.

There was also some discussion of the procedure to be suggested where a single local government unit is excluded from application of a general bill or a general provision in such a bill. Committee members were asked to give further study to these problems and the secretary was directed to try to frame some possible recommendations for consideration at the next meeting.

2. Codification of special laws. It was agreed that if any proposal of this kind is made, it should be divorced from the general bill regulating special law procedure. In this connection, a suggestion recently made by the revisor of statutes was reported by the secretary to the committee. The revisor suggested the possibility of securing from each local unit in the state a list of special laws presently applicable to it. He would then prepare a repeal bill covering all other existing special laws but postponing the effective date of the repeal until the end of the following legislative session.
3. Repeal of special laws The committee did not discuss the policy which should be followed in these cases.

The next meeting of the committee was fixed for 9:30 a.m., Friday, April 18, in the League office. The chairman expressed the hope that this would be the last meeting of the committee before the League convention and that it would be in a position to make some recommendation on Amendment No. 1 at that session.

The meeting adjourned at about 4:30 p.m.

Respectfully submitted,

Orville C. Peterson
Orville C. Peterson
Secretary

March 25, 1958

MINUTES OF MEETING
INFORMATION COMMITTEE ON CONSTITUTIONAL
AMENDMENTS 1, 2 & 3 - March 14, 1958

A regular meeting of the steering committee was held in the office of the League of Minnesota Municipalities at 3:30 p.m., Friday, March 14, 1958 pursuant to call. Present were Mrs. Mattie Peterson, Mrs. Smerling, Messrs. Howard, Black, Richter, Harris, and Orville C. Peterson. The following items on the agenda were discussed and action taken as indicated:

1. Previous Minutes. On motion of Mr. Howard the minutes of the last meeting were approved as mailed.
2. Report on Activities. Mrs. Smerling reported completion of the leaflet entitled "A Quick Look At Constitutional Amendments 1, 2 and 3" and the publication of 10,000 copies of which 9,300 were immediately distributed to the Republican and Democratic parties and others. Samples of newly printed stationery were also distributed.

She also reported on a meeting of the Executive Committee on February 24 as a result of which a letter to the editor of the Minneapolis Tribune was written calling attention to errors in the story on MEA action and urging study and publicity of the amendment by the newspapers.

Mrs. Smerling also reported sending out a news release to weekly papers through MEA today with releases to dailies, TV and radio stations to follow next week.

The Secretary reported on the Home Rule Committee meeting of the League of Minnesota Municipalities and on the discussion with Pete Donoghue of the Bloomington Sun and Aaron Litman of the White Bear Lake Press at that meeting about objections raised by them to the amendment, specifically with reference to consolidation possibilities. It was also reported that the amendment will be the subject of discussion at the April 16 meeting of the Governor's Advisory Committee on Suburban Problems at the Richfield High School.

3. League of Women Voters Activity. Mrs. Smerling passed on to the committee the report from Mrs. Green that the League of Women Voters was planning an area or state-wide meeting on the amendment. It was the consensus of the committee that any such efforts to disseminate information about the amendments were desirable but

that it should not be done on an emergency basis as had been suggested. It was made clear that the committee welcomed all such group efforts to inform voters on the amendment. It was suggested also that while it was appropriate at such meetings as the LWV planned to explore all aspects of the amendments including possible objections to them, it would be wise to avoid labeling participants as pro or con.

4. Discussion of Brochure. Committee members present went over the leaflet, "A Quick Look At Constitutional Amendments 1, 2 and 3" and expressed general satisfaction with it. It was suggested that Mrs. Smerling consider several minor points with a view to possible alterations, when additional copies are printed. Among these were; (1) the need for a general question about purpose and effect; (2) a clearer indication of the prevalence of special law practice under the present constitution; (3) generalizing the language about voting requirements so that the statement may also include charter changes in patrol limits; (4) confining the statement on city-county consolidation procedure to consolidations under home rule charters; and (5) the possible revision or omission of the second paragraph of the description of Amendment No. 3.
5. Organization of State-wide Committee. Mrs. Smerling reported that while she had the names of 27 charter commission chairmen and some others as possible chairmen of county committees and members of the state-wide committee, names of prospective county-chairmen were lacking in a number of counties. Consensus was that each county should have two co-chairmen, one man and one woman, and that in most cases the latter might be largely selected from LWV suggestions. Members of the steering committee were urged to make suggestions. There was also some discussion of possible co-chairmen in Hennepin and Ramsey Counties.
6. Finances. Mr. Black reported that contributions received thus far have been handled through the Citizens League and will be used to pay bills thus far accumulated. Additional contributions will be solicited after determination of the methods of handling them are worked out next month, and, in St. Paul, after the election there.
7. Other Suggested Activities. It was agreed that the committee could function best as a coordinator in making printed material available and stimulating individual groups to act. It was suggested, for example, that Mr. Keyes encourage the adopting of county board resolutions in as many counties as possible. Plans for a series of newspaper releases on different phases of the amendments were outlined by Mrs. Smerling and approved.
8. Next Meeting. It was suggested that a dinner meeting of the entire state-wide committee might be appropriate next month with the time to be arranged to facilitate attendance of legislative members of the committee. Friday, April 25 was suggested as a possible appropriate date. The date was to be selected by Mrs. Smerling after further checking.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,
Orville C. Peterson
Orville C. Peterson,
Secretary

April 11, 1958

MEMORANDUM

TO: Executive Committee of The Information Committee on Constitutional Amendments
#1, 2 and 3

FROM: Jerry Regnier

SUBJECT: MEA BOARD MEETING; MEA BOARD MEMBERSHIP; BALLOT CAPTIONS FOR AMENDMENTS;
AMENDMENT #1 DEBATE; NEXT MEETING.

I. MEA BOARD MEETING

Wednesday afternoon following our meeting, I contacted Ralph Keller of the Minnesota Editorial Association.

The next meeting of the MEA Board is set for Friday, May 2, 1958.

Mr. Keller was in the process of sending meeting notices when I called. He said the normal meeting agenda required 5 hours to cover. This meeting presently has but a 2-hour agenda, so there is ample time to discuss Amendment #1. He said he felt the Board was obligated by the Convention action to consider the amendment.

He said he would ask the Board president, Mr. Wes Meyer of the Detroit Lakes Tribune, if he wanted this on the agenda. If so, Mr. Keller suggests that those advocating the amendment be heard by the Board.

Mr. Keller said he would contact me as soon as he received word from Mr. Meyer. If I don't hear from him by Friday, April 19, I will re-contact him. If the amendment will come before the Board, I will arrange for representatives for Amendment #1 to appear before the Board, and also ask permission to circulate information to the members of the Board prior to the meeting.

II. MEA BOARD MEMBERSHIP:

Wes Meyer, Detroit Lakes
O. M. Mattson, Warren
Leslie G. Curtis, St. James
Arch G. Pease, Anoka
Arthur J. Suel, New Prague

Edward J. Morrison, Morris
Oliver F. Kellogg, Baudette
Gordon R. Closway, Winona
Dewey R. Wilcox, Pine City

*Mr. Fawcett -
to learn if known will
provide info.
tell of groups backing
the amendment.*

III.

The following are the captions for amendments as they will appear on the ballot, as published by the Attorney General's office:

- #1 - Home Rule, Special Law Limits, Local Government Laws
- #2 - 4-Year Term for Constitutional Offices after 1962
- #3 - Authorization for Legislators to Hold Certain Offices

IV. REMINDER OF DEBATE ON AMENDMENT #1

WHAT: Debate on Amendment #1

WHEN: 8:00 P.M., Wednesday, April 16, 1958

WHERE: Richfield Junior High School, 70th Street and 12th Avenue S., at a public meeting of the Governor's Advisory Committee on Suburban Problems.

PARTICIPANTS: PRO - Orville Peterson, Senator Donald Fraser, Stanley Platt

CON - Pete Donaghue, Aaron Litman, H. C. Sonnesyn

NOTE: The meeting is open to the public.

- V. The next meeting of our Executive Committee will be held on Tuesday, April 22, at noon in the Citizens Aid Building, 8th Street and 4th Avenue South, across from the Normandy Hotel, in a room adjacent to the cafeteria.

AMENDMENT NO. 1 COMMITTEE

Tuesday, April 22, 1958

Citizens Aid Bldg. - 12 Noon

A G E N D A

1. Report on political endorsements for Amendment #1.
2. Report on M.E.A. May 2 meeting.
3. Report on plans to organize suburban committees. — *on Henn. County level. Spontaneous suburban level.*
4. Possible establishment of a campaign committee for Amendment #1.
5. Fund raising. —
6. Newspaper series. — *Independent mailing to 500 papers over the state*
7. Answering requests for materials. — *WV - 1 + 3. - towards Effective Govt. Hazen, Luther 1 + 3*
8. Adding suburban names to Steering Committee.
9. Other.

AMENDMENT #1 COMMITTEE

Friday, May 2, 1958

A G E N D A

1. Report on new developments regarding endorsements or opposition to the amendments.
2. Report from committee on suburban organization.
3. Report on contacts with people out-state.
4. Agenda for May 9 dinner meeting.
5. Newspaper series; suggestions for other publicity.
6. Other business.

*Call re
legal opinion*

*May discuss Com.
- what about bro.*

*Legal opinion
regis.
plan on Comm.
action*

INFORMATION COMMITTEE ON
CONSTITUTIONAL AMENDMENTS 1,2,3

346 Griggs-Midway Building
Saint Paul 4, Minnesota

May 2, 1958

DEAR COUNTY CHAIRMEN AND VICE CHAIRMEN:

Thank you for your card notifying us of your willingness to serve on the "Committee of 100" of the Information Committee on Constitutional Amendments 1,2,3.

Your participation and assistance in this volunteer effort of citizens interested in "better government through a better-informed electorate" is greatly appreciated.

A dinner meeting of the Steering Committee of the over-all group will be held at 6:00 P.M., Friday, May 9, at the Curtis Hotel, Minneapolis. You are cordially invited to attend this event if you plan to be in Minneapolis or vicinity on that date. Some important developments concerning the amendments and our organization will be discussed at this meeting. If you are able to attend, please notify us at once so we can make a reservation for you.

Please also note the enclosed brochure which is now available for distribution. Your help will be appreciated in arranging for local groups to distribute these at coming meetings. To insure readership of the brochure and for better understanding of the amendments, discussion at meetings (if only for a minute or two) is recommended.

Since our budget is limited, we hope the brochures will be requested only where distribution is assured.

We hope to hear from you soon.

Yours very truly,

Beverly F. Smerling

Mrs. Louis R. Smerling
Executive Secretary

BFS:VS
Encl.

Minutes of Meeting

INFORMATION COMMITTEE ON CONSTITUTIONAL AMENDMENTS 1,2,3

May 9, 1958

A meeting of the Information Committee on Constitutional Amendments 1,2,3 was held at the Curtis Hotel, 6:00 p.m., May 9, 1958. Presiding were Lew Larson, former president of the County Commissioners Association, and Harold G. Thomforde, former president of the League of Minnesota Municipalities, co-chairmen. Also present were Ray Black, Orville Peterson, Harold C. Harris, Charles B. Howard, Leo Dorfman, Clinton Hess, Anne Green, Jerome Schaller, Verne Johnson, Mr. & Mrs. Leo Mosier, Mrs. Eugene Krawczyk, Mrs. Harry Gustafson, Mrs. Stanley G. Peterson, Ralph Keyes, Jerry Regnier, Mrs. Robert Uppgaard, and Mrs. Louis R. Smerling.

The following is a brief summary of the subjects discussed and the action taken:

1. Previous minutes. On motion of Mr. Regnier, reading of the minutes of the March 14 meeting were dispensed with and approved as circulated in mimeographed form.

2. Report on activities since last meeting. Mrs. Smerling reported that 30,000 brochures had been circulated to date, as well as various pieces of mimeographed literature dealing with the amendments. . . Members of the committee had appeared before various groups considering action on the amendments. Informational materials were provided to these organizations. . . Mrs. Smerling also reported that the Information Committee has a County Chairman in 35 Minnesota counties to date. A number of counties have more than one person assisting the Committee, particularly Hennepin and Ramsey Counties where suburban vice chairmen have been organized. . . Recent publicity, both pro and con, on Amendment No. 1 was reviewed.

3. Report on action taken by various organizations on the amendments.

- a. Mrs. Peterson reported endorsement of all 3 amendments by the Hennepin County Rural Conventions.
- b. Mr. Harris announced endorsement of all 3 amendments by the Minnesota Junior Chamber of Commerce.
- c. Mr. Howard said he expected the Minnesota Bar Association to endorse Amendment No. 1 at its annual convention in June. (The amendment was subsequently endorsed.)
- d. Miss Mitchell, chairman of the Y.D.F.L. State Policy Committee, said the committee was presently studying Amendment No. 1 and action would be taken at the end of May.
- e. Mr. Keyes announced the earlier endorsement of all 3 amendments by the State Association of County Commissioners.
- f. Mrs. Green stated the Minnesota League of Women Voters supported Amendments Nos. 1 and 2.
- g. Mr. Johnson announced the endorsement of Amendment No. 1 by the Citizens League of Minneapolis and Hennepin County.
- h. Mr. Dorfman said the Minnesota Junior Bar Association will probably follow the Bar Association action in June.
- i. Mr. Hess, representing the Farmers' Union, said he was attending this meeting in order to get information on Amendment No. 1 and the activities of the Information Committee. He announced that the state and county meetings of the Farmers' Union won't take

place until after the elections, so that there would be no action on the amendments. He suggested, though, the possibility of providing information on them in their publications.

4. Other reports

- a. Mr. Thomforde said the editor of the Crookston paper was for Amendment No. 1. He observed that there didn't seem to be much information about the amendments out-state.
- b. Mr. Larson suggested that members of the Information Committee seek opportunities to speak on the amendments wherever possible.
- c. Mr. Black gave the history of the opposition of the suburban editors.
- d. Mr. Peterson reported on a recent Board meeting of the Minnesota Editorial Association, attended by himself, Don Fraser, Gordon Rosenmeier, and Pete Donaghue. The M.E.A. Board decided to take no action on Amendment No. 1, since its policy has generally been to not take a position on political issues.
- e. Mr. Schaller said the Executive Council of the State AFL-CIO will take action on May 28, and he hoped they will endorse the amendments and give financial assistance to the Information Committee. He reported sending materials to all central bodies, which he felt would wait for the action of the Executive Council.
- f. Verne Johnson announced the forthcoming suburban meeting being sponsored by the Citizens League in the Edina Village Hall, May 20, explaining the League's support of the amendment.
- g. Mrs. Peterson simple materials are needed to explain the amendment to lay persons.
- h. Mr. Dorfman recommended intensive publicity efforts right before the elections, rather than during the late spring and summer.
- i. Mr. Black made a financial report and the committee agreed on a total budget of \$10,000. He asked the group to authorize the Steering Committee of the Information Committee to continue to meet regularly and carry on the necessary activities of the Information Committee between meetings of the entire committee. A resolution was so passed.

The next meeting was tentatively set for late July.

Their being no further business, the meeting was adjourned.

Respectfully submitted,


ORVILLE PETERSON, Secretary

Aug 12 Meeting

St. Paul & C. Board publicly endorses Amendment I.

Possibility of getting mention of voting for Amendments on sample Ballots from Republican headquarters
Also D.F.L.

Suburban Committee of 100-

6 news releases. 

Contact with Candidates - getting them to mention voting for Amendments

Question of Township opposition to Amendment I.

ACTION

Lmm. → { monthly magazines
getting Councils to adopt resolutions.

Regional Meetings of Officials
Kels Lmm will have to back all 3 Amendments unofficially

Citizens League - very active in INFO COMM. - staff, this space working with other groups.

Repubs - Sample Ballots

Gentleman from St. Cloud. - Wants material to be made available to Women's groups, service clubs, etc.
charter Commission region, Veterans.
Mr. Jerde. Press favorable in St. Cloud.

Wait Liz Zumwinkel → he says 2 men wanted material for County Fair Booths.

Gov's Advisory Committee - Aug 27 - Amendment on agenda.

JOINT MEETING OF
INFORMATION COMMITTEE ON CONSTITUTIONAL AMENDMENTS 1,2,3
AND
SUBURBAN COMMITTEE OF 100 FOR AMENDMENT NO. 1
Tuesday, August 12, 1958
Solarium Room, Curtis Hotel, 6:30

A G E N D A

1. Report on developments on Amendment No. 1
 - a) Endorsements
 - b) Attorney General's statement
 - c) Action by Twin City Suburban Newspaper Publishers Association
 - d) Township Officers Association - Mr. Peterson
 - e) Information Committee - Mrs. Smerling
2. Suburban Committee of 100
3. Future role and activities of Information Committee
 - a) General ideas
 - b) Publicity suggestions
 - c) Literature and distribution
4. Financial report \$ 200 in arrears.

Find out about using Stat Office for some staff work.

Meet in middle of October.

ACTIVITIES SINCE LAST MEETING

(October 13-16)

1. Letter to state radio and TV stations requesting public service time for spot announcements (some sample spots sent).
2. Thye-McCarthy release mailed today to all Sunday papers and all dailies. Condensed version mailed today to state radio, TV, A.P. & U.P.
- 3.
3. Bar association release sent statewide for release, Wednesday, October 15. (Not used in Minneapolis dailies, so added statements from Charles Howard so they can use in today's Star.

Condensed version mailed Tuesday, October 14, to state radio, tv, U.P. & AP.
4. Release from Ray Black to Minneapolis Star, AP & UP, urging candidate support of Amendment No. 1.
5. Letters from Stanley Platt to Star and Tribune, urging candidate support and referring to Minnesota Poll results.

("Candidate support" letter was forwarded to Ralph Keyes for use in his mailing to all candidates.)
6. Editorial in Tribune, Saturday, October 11, for all 3 amendments.
7. Meeting arranged for Ralph Keyes in St. Cloud with Mr. O. J. Jerde, County Chairman, Mrs. Ruby Baston, Mr. Charles Richter, Bar Association.
8. Calls made to Rochester contacts (Mrs. R. Drew Miller, County Chairman; Mrs. Grindley, Republican County Chairman; Jim Faber, Chamber of Commerce).
9. Request to Floyd Flom to send letter from Political Science Department, University of Minnesota, to papers urging support of Amendment #1. He will request individual letters from members. Sent me a list of interested political science professors in other state colleges for similar request.
10. Radio spot announcements by Val Bjornson
11. Minneapolis Star planning series (Bill McKaye)
Minneapolis Tribune planning Sunday story
Nov. 2 - Minnesota Poll report again
12. Contacted Town Toppers - they're willing to use more people not previously covered.
13. Mr. Platt's contact in Duluth
14. League of Women Voters meeting, October 21 ^{Candidates' meeting.} ^{Stem} - request for speaker.
15. Letter to Ray Horton, Lindstrom, Minnesota, asking help in his county.

November 7, 1958

TO: INFORMATION COMMITTEE ON CONSTITUTIONAL AMENDMENTS 1, 2, 3

FROM: Beverly Smerling, Executive Secretary

Come one -- come all -- to a Victory Celebration on the successful passage of Amendment No. 1. We will be "toasting ourselves" at my house -- 2552 West Lake of the Isles Boulevard, Minneapolis -- at 8:00 p.m., Thursday, November 13th. Spouses definitely invited so that we can tell them what a superb job you did!

P.S. Latest report on amendments:

<u>No. 1</u>	3646 precincts out of a total of 3764	688,871 Yes 294,897 No
<u>No. 2</u>	3642 precincts	617,056 Yes 366,030 No
<u>No. 3</u>	3638 precincts	557,168 Yes 408,452 No

Total vote expected - 1,150,000 or more. No. 1 and No. 2 seem certain, No. 3 appears to be lost.

One interesting sidelight (proving what a marvelous job we did!) -- while the figures are not all in yet, there is every indication that this was one of the largest total proportionate votes on state amendments in many years.

BFS

League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis, Minn.

102157CCCC

October 24 1958

To: Local League Presidents
From: Mrs. Kenneth Green, Constitutional Revision Chairman
Subject: Amendments to be Voted on, November, 1958

Many local Leagues have asked what our stand is going to be on the three amendments to the State Constitution to be presented to the voters in November of 1958. At its October meeting, the state Board decided that the League of Women Voters of Minnesota could and would support all three amendments.

Amendment No. 1 would change sections of the Constitution having to do with home rule: generally, recognizing special legislation as lawful, broadening provisions for home rule charters, and providing for city-county organization and consolidation.

Amendment No. 2 would lengthen the terms of governor and lieutenant-governor and other constitutional officers from two to four years, beginning in 1962.

Amendment No. 3 would allow a state senator or representative to run for another elective office without resigning his present office.

Detailed information on all these amendments and on their support by the League will be coming to you early in 1958.

Numbers 1 and 2 - Home Rule and the Four Year Term - were specifically listed in the Current Agenda adopted in 1955 and are now found under our first Continuing Responsibility. How close the Home Rule Amendment comes to the League ideal and where it fails will be seen in the detailed information you will get later. It is a good example of the kind of compromise reality sometimes demands of us. The lengthening of the terms of the top executive offices is exactly as the League hoped.

Number 3 - the Elective Office Amendment - may also be an example for the League. When a Constitutional Convention does meet in Minnesota, it will of course consider the total Constitution, not just those parts of it in which the League of Women Voters has chosen to have specific interest. The League will be faced with many decisions as to what it can support and by what authority, in any revised constitution. In the case of the Elective Office Amendment, authority rests on our wish to remove obsolete provisions and unnecessarily restrictive clauses.

In the ten years since constitutional revision has been on our program, we have placed ourselves on record many times to "remove dead wood," "clarify the intent and simplify the language," "update to meet today's needs," "eliminate statutory detail," "consolidate subject matter," "bring more economy to state government," "increase efficiency in operation," and so on. These and other general objectives may all be considered authority for supporting or opposing whatever the Constitutional Convention may do. Our backing of the Elective Office Amendment is of this type of authority.

JUL 29 1958

Revised July 28, 1958

JOINT STATEMENT ON PROPOSED CONSTITUTIONAL AMENDMENT ONE

This statement has been prepared by Kingsley Holman, Bloomington, chairman of the governor's advisory committee on Suburban problems.

We, the undersigned, being representatives of the League of Minnesota Municipalities, the League of Women Voters of Minnesota, the Citizen's League of Minneapolis and Hennepin County, the Informational committee on Constitutional amendment one, two and three, and the Twin City Suburban Newspaper Publishers association, feel a deep sense of obligation to the organizations we represent and to the public generally.

Therefore we have met together in an effort to resolve our differences. In view of recent developments in regard to amendment one, otherwise known as the home rule amendment, we have agreed on the following statement:

1. The wording of the proposed amendemnt left some doubt as to its interpretation regarding a consent requirement for local units of government which had their boundaries or powers affected by special legislation or the adoption of a county home rule charter. The Twin City Suburban Newspaper Publishers association, which feels that any municipality should have the right to approve or reject any change which affects its boundaries or powers, performed a meritorious public service in focusing public attention on the wording in question, and in helping to bring discussion concerning amendment one to public attention.

2. On July 1, 1958, the attorney general of the state of Minnesota issued a statement of the purpose and effect of the amendment, in which he clarified the language and interpreted the amendment to require the consent, when applicable, of each affected local unit of government before its boundaries or powers were changed, whither by special legislation or adoption of a county home rule charter.

3. The Twin City Suburban Newspaper Publishers association therefore feels that its fight to preserve the right of individual municipal self-determination has now been successful, and as an association has decided to cease further opposition to the adoption of amendment one.

4. The undersigned representatives of the League of Minnesota Municipalities, the League of Women Voters, the Citizen's League of Minneapolis and Hennepin County, the Informational committee on amendments one, two and three, and the Twin City Suburban Newspaper Publishers association, do hereby declare it is their intention to work together to carry out the intent of amendment one as expressed by the attorney general's statement of purpose and effect, to require the consent, when applicable, of each affected municipality before its boundaries or powers are changed by special legislation or adoption of a county home rule charter.

5. The undersigned representatives of the League of Minnesota Municipalities, the League of Women Voters, the Citizen's League of Minneapolis and Hennepin county and the Informational committee on amendment one, two and three, further state that they commend the Twin City Newspaper Publishers association and its respective members for their public service in focusing attention on the sections of the amendment in question, so that the attorney general could carefully consider these segments and clarify them previous to the adoption or rejection of the amendment by the voters of this state.

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(2) " - Ann B.

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Page 2 - Joint statement on proposed Constitutional amendment one

The dissemination of information is a public trust, and they have served their profession according to its highest tradition.

Dated this _____ day of July, 1958

League of Minnesota Municipalities

Twin City Suburban Newspaper Publishers

Citizen's League

Twin City Suburban Newspaper Publishers

League of Women Voters

Twin City Suburban Newspaper Publishers

Information Committee on
Amendment one, two and three

Committee for Better State
Government

Revised July 28, 1958

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Page 2 - Joint statement on proposed Constitutional amendment

The dissemination of information is a public trust, and they have served their profession according to its highest tradition.

Dated this _____ day of July, 1956

League of Minnesota Municipalities

Twin City Suburban Newspaper Publishers

Citizen's League

Twin City Suburban Newspaper Publishers

League of Women Voters

Twin City Suburban Newspaper Publishers

Information Committee on
Amendment one, two and three

Committee for Better State
Government

JUL 17 1958

LEAGUE OF
MINNESOTA
MUNICIPALITIES

86 A

July 1, 1958

The Honorable Joseph L. Donovan
Secretary of State
STATE CAPITOL

Dear Sir:

Pursuant to M. S. 1957, Section 3.21, you are hereby
furnished a statement of the purpose and effect of each of
the following proposed amendments to the Constitution of the
State of Minnesota.

PROPOSED AMENDMENT RELATING TO
HOME RULE, SPECIAL LAW LIMITS
AND LOCAL GOVERNMENT LAWS

By Laws 1957, c. 809, the legislature has proposed amend-
ments to Art. XI, and Art. IV, § 33 and has proposed repeal of
Art. IV, § 36 of the Minnesota Constitution. (The text of
these articles is omitted from this statement pursuant to the
specific direction of the legislature in § 2 of L. 1957,
c. 809.)

If amended as proposed by the legislature, Art. XI and
Art. IV, § 33 and § 36 will read as follows:

ARTICLE XI

"Section 1. The legislature may provide by law
for the creation, organization, administration,
consolidation, division and dissolution of local

July 1, 1958

government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

"Sec. 2. Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

"Sec. 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

"Sec. 4. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

"Sec. 5. Existing laws and charters, valid when adopted, shall continue in effect until amended or repealed in accordance with this article.

ARTICLE IV

"Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing, extending or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. The inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

"The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same except as provided in Article XI.

"Sec. 36. This section is repealed."

The purpose and effect of each section of the proposed amendment may be summarized as follows:

ARTICLE XI

Section 1: The purposes are:

1. To authorize the legislature to provide for the creation, organization, administration, consolidation, division and dissolution of local government units and their functions.

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2. To authorize the legislature to provide for the change of boundaries of local government units and for the transfer of county seats, provided, however, that county boundaries may not be changed and county seats may not be transferred until approved by a majority of the voters of the affected county voting on the proposition.

3. To authorize the legislature to provide qualifications for local government office for both elective and appointive offices.

The effect would be to accomplish the purposes stated.

The provision for voter approval of changes in county boundaries or county seats would change the majority required from a majority of the electors to a majority of those voting on the proposition.

Since the proposed Art. XI would take the place of the present Art. XI, those parts of the present article not included in the proposed article or inconsistent therewith would be repealed by implication. The present limitation upon the legislature that no new counties contain less than 400 square miles nor that any county be reduced below that area would be eliminated.

Section 1: The purposes are:

1. To define as a special law a law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties.

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2. To require a special law to name the unit or units or, in the case of a special law applying to a number of contiguous counties, the counties to which the special law applies.

3. To authorize the legislature to enact special laws relating to local government units, provided, "unless otherwise provided by general law", that the special law would become effective only after approval by the "affected unit" through the voters or the governing body and by such majority as the legislature directs.

4. To provide that any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit.

5. To provide that even after a special law has been modified or superseded by a later home rule charter or amendment that the legislature would not be prevented from adopting subsequent laws on the same subject.

The effect would be to accomplish the purposes stated.

This provision together with the proposed amendment of Art. IV, section 33, would remove the present prohibition of Art. IV, section 33 against special legislation on matters relating to local government units.

The requirement for prior approval of a special law by the affected unit may be departed from if the legislature so provides by general law.

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The "affected unit", which must give its approval to any special law, would include, when applicable, each affected unit.

Section 3: The purposes are:

1. To authorize any city or village to adopt a home rule charter.

2. To permit a county or other local government unit, after authorization by the legislature, to adopt a home rule charter.

3. To require voter approval of the local governmental unit affected of any home rule charter by such majority as the legislature proscribes by general law.

4. Where a home rule charter provides for consolidation or separation of a city and a county, in whole or in part, to require voter approval both in the city and the remainder of the county by the majority required by law.

The effect would be to accomplish the purposes stated.

The "local governmental unit affected" which must approve the adoption of any home rule charter would include, when applicable, each governmental unit affected. Likewise, the "city" which must approve a home rule charter provision for consolidation or separation of a city and a county would include, when applicable, each city.

July 1, 1958

Section 4: The purposes are:

1. To require the legislature to provide by law for charter commissions.

2. To provide, notwithstanding any other constitutional limitations, that the legislature may require commission members to be freeholders, may provide for their appointment by judges of the district court and may permit any member of a charter commission to hold any elective or appointive office other than judicial.

3. To provide for the proposal of home rule charter amendments by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law.

4. To provide that such proposed home rule charter amendments before becoming effective, be approved by the voters of the local government unit by the majority required by law.

5. To authorize the legislature to provide by law for proposing and adopting home rule charter amendments in any other manner.

6. To authorize a local government unit to repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of such a charter.

The effect would be to accomplish the purposes stated.

July 1, 1958

Adoption of this section and section 3 and the incident repeal of Art. IV, Sec. 36 of the present constitution, would eliminate the requirements for: Approval by four-sevenths of the qualified voters at the election for the adoption of a charter; approval by three-fifths vote for amendment of the charter; and approval by three-fourths vote to change patrol limits in cities where they existed at the time of the adoption of the present Sec. 36, and would substitute therefor the requirement for such majority as the legislature may prescribe. Procedural and other requirements and provisions now contained in Art. IV, Sec. 36, would no longer be operative, except as provided in the proposed Art. XI, and would be subject to legislative control.

Section 5. The purpose and effect of this section is to continue in effect existing laws and charters which were valid when adopted until they are amended or repealed in accordance with the proposed Art. XI.

ARTICLE IV

Section 33: The purposes are:

1. To provide that where a general law can be made applicable no special law shall be enacted.
2. To except from the general prohibition against the use of special laws, such laws relating to local government units as provided in Art. XI.
3. To make the determination of whether a general law could have been made applicable in any case a judicial question.

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4. To prohibit the use of special laws in a number of specified circumstances.

5. To provide that the prohibitions against the use of special laws in this section would not prevent the passage of general laws on any of the same subjects.

6. To provide that the legislature may repeal existing special or local laws but that it shall not amend, extend or modify any of these except as provided in Art. XI.

The effect would be to accomplish the purposes stated.

Since the proposed Art. IV would take the place of the present Art. IV, those parts of the present article not included in the proposed article or inconsistent therewith would be repealed by implication.

Section 36: The purpose and effect of this section is to repeal this section, being the present provision of the constitution on home rule charters. In place of this provision for home rule charters would be the provisions now contained in section 3 and section 4 of the proposed Art. XI.

PROPOSED AMENDMENT RELATING TO FOUR-
YEAR TERMS FOR STATE CONSTITUTIONAL
OFFICERS AFTER 1962.

By L. 1957, c. 813, the legislature has proposed amendments to Art. V, §§ 3 and 5 of the Minnesota Constitution. Art. V, §§ 3 and 5 now read as follows:

July 1, 1958

"Sec. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a bona fide resident of the state for one year next preceding his election. Both shall be citizens of the United States."

"Sec. 5. The official term of the secretary of state, treasurer and attorney general shall be two (2) years. The official term of the state auditor shall be four (4) years, and each shall continue in office until his successor shall have been elected and qualified. The further duties and salaries of said executive officers shall each be prescribed by law."

If amended as proposed by the legislature, Art. V, §§ 3 and 5 will read as follows:

"Section 3. The term of office for the governor and lieutenant governor shall be four years, and until their successors are chosen and qualified. Each shall have attained the age of 25 years and shall have been a bona fide resident of the state for one year next preceding his election. Both shall be citizens of the United States."

"Section 5. The official term of the secretary of state, treasurer, attorney general, and state auditor shall be four years, and each shall continue in office until his successor shall have been elected and qualified. The further duties and salaries of the executive officers shall each be prescribed by law."

The purpose and effect of each section of this proposed amendment may be summarized as follows:

ARTICLE V

Section 3: The purposes are:

1. To make the term of office for governor and lieutenant governor a term of four years instead of two years as presently provided.

The effect would be to accomplish the purpose stated.

July 1, 1958

Section 5: The purposes are:

1. To make the term of office of secretary of state, treasurer and attorney general a term of four years instead of two years as presently provided.

2. To continue the term of office of state auditor as a term for four years.

The effect would be to accomplish the purposes stated.

THE PROPOSED AMENDMENT RELATING TO
THE AUTHORIZATION FOR LEGISLATORS
TO HOLD CERTAIN OFFICES

By L. 1957, c. 922, the legislature has proposed an amendment to Art. IV, § 9 of the Minnesota Constitution.

Art. IV, § 9 now reads as follows:

"Sec. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature."

If amended as proposed by the legislature, Art. IV, § 9 will read as follows:

"Sec. 9. No senator or representative shall during the term for which he is elected, hold any nonelective office under the authority of the State of Minnesota except that of Notary Public or of the United States except that of postmaster. No senator or representative shall be disqualified for election to any elective office, but any senator or representative who is elected to any elective office under the authority of the state or the United States, who shall qualify for the office to which elected, shall automatically terminate his term of office as senator or representative and create a vacancy therein, provided, however, that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as a county attorney."

The purpose and effect of this proposed amendment may be summarized as follows:

ARTICLE IV

Section 9: The purposes are:

1. To provide that no senator or representative shall during the term for which he is elected, hold any state or federal non-elective office except for the office of notary public and postmaster.
2. To provide that no senator or representative shall be disqualified for election to any elective office.
3. To expressly provide that any senator or representative elected to any state or federal office, and qualifying for the office, automatically terminates his office as senator or representative and creates a vacancy in his office.
4. To provide that the limitations upon senators or representatives imposed by this section do not preclude their serving as attorney for any school district or political subdivision of the state except serving as a county attorney.

The effect would be to accomplish the purposes stated.

The proposed amendment differentiates between elective and non-elective offices. As to non-elective offices, the general prohibition would be continued with one minor change, being the exception of the office of notary public. Elective offices are removed from the present prohibition.

The Hon. Joseph L. Donovan -- 13.

July 1, 1958

Since the proposed amendment omits the existing provision, "no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature", this prohibition would be repealed by implication.

Very truly yours,

MILES LORD
Attorney General

ML:dc

Green

LEAGUE OF MINNESOTA MUNICIPALITIES
15 University of Minnesota Library
Minneapolis 14, Minnesota

DETAILED COMPARISON OF AMENDMENT NO. 1 AND PRESENT CONSTITUTION

May, 1958

On the following pages the provisions of Amendment No. 1 (Laws 1957, Chapter 809) are compared with the provisions of the present Minnesota constitution relating to local government (Art. 4, Sec. 33, 36 and present Art. 11) which would be repealed or modified if the amendment were adopted. Brief comments on the import of each change appear in the third column of the analysis. Supplementary comments on legislative power over local units, on judicial interpretations of present constitutional restrictions on changes in county boundaries or organization, and on special legislation law and practice are given in an appendix.

To facilitate reference, each provision which is the subject of separate treatment in the detailed comparison is given an item identification number in the left hand column.

Two other League mimeographed memorandums dealing with Amendment No. 1 are also available.

TOWARD MORE EFFECTIVE HOME RULE (The Case for the Proposed Constitutional Amendment on Local Government). (September, 1957 — 7 pp.)

LOCAL GOVERNMENT CONSOLIDATION IN METROPOLITAN AREA UNDER PRESENT CONSTITUTION AND AMENDMENT
NO.1 (March, 1958 — 8 pp.)

OCF
League Attorney

AMENDMENT NO. 1 PROVISION

PRESENT CONSTITUTIONAL PROVISION

COMMENTS

1. Art.11,Sec.1. The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of local government units and their functions, for change of boundaries thereof,

Because legislature has all power not denied to it in the constitution, this statement is declaratory of existing legislative power except that special laws are now ostensibly prohibited (see items 30 to 48) and there are now some restrictions, largely inoperative, on county organization and boundary changes (see items 3 to 6). See Appendix Comment A.

2. for their officers, including qualifications for office, both elective and appointive,

Permits legislature to prescribe reasonable qualifications for local elective office; now any resident voter is constitutionally qualified (Art. 7, Sec. 7) and legislature may not add qualifications except for judges (art. 6, Sec. 7 as amended in 1956), Legislature now may provide for qualifications for appointive offices.

3. and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Art.11, Sec. 1. The legislature may from time to time establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount;

Included in initial sentence of proposed Art.11, Sec. 1 (See item 1) See item 5.

4.

and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after passage thereof, and be adopted by a majority of such electors.

Present provision has been held inoperative (See Appendix, Comment B); proposal would thus make vote requirement effective but base it on those voting on proposition, not those at election.

5.

Counties now established may be en-

Court decisions make it doubtful that

larged, but not reduced below four hundred (400) square miles

the 400-mile limit is still operative (see Comment B). Amendment would leave any such restriction to the legislature, subject to vote requirement on boundary changes.

6.

Art. 11, Sec. 2. The legislature may organize any city into a separate county, when it has attained a population of 20,000 inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

Organization of city-county by special law has been prohibited since 1892; present provision probably does not apply to general laws. See Comment B. Amendment No. 1 would leave this entirely to legislature, subject to approval requirements on special laws and home rule charters.

7.

Art. 11, Sec. 3. Laws may be passed providing for the organization for municipal and other town purposes, of any congressional or fractional townships in the several counties of the state, provided that when a township is divided by county lines or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

Elimination by Amend No. 1 does not change legislative power, unless present proviso imposes limitation, which is doubtful.

8.

Sec. 4. Provision shall be made by law for the election of such county or township officers as may be necessary.

Elimination by Amendment No. 1 leaves legislature free to decide between election and appointment methods of selecting any county or town officer. There is now no similar provision for any other kind of local government unit.

9.

Sec. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

Elimination by Amendment No. 1 has no legal effect.

10.

Sec. 6. No money shall be drawn from any county or township treasury except by authority of law.

Same.

11.

Sec. 7. That the county of Manomin is hereby abolished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

Elimination of this provision (of only historical interest once it was adopted as a constitutional amendment in 1869) is of no legal effect.

12. Art. 11, Sec. 2. Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies.

No present definition of special laws, although term is used in present prohibition of Art. 4, Sec. 33. (See items 30, 31).

By requiring naming of local unit in the law, amendment would eliminate present practice of disguising as a general law what is a special law in fact. See Comment C.

13. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after the approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct.

(No comparable provision; but See items 30-48)

Read with Item 30, this provision recognized present extensive practice of special legislation and would eliminate constitutional question now appropriate for many such laws. Approval requirement is new.

14. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

Special law passed prior to 1892 may be repealed (see item 48), but valid general law of local application may not now be changed by charter.

15. Art. 11, Sec. 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its own government in accordance with this constitution and the laws.

Art. 4, Sec. 36. Any city or village in the state may frame a charter for its own government as a city consistent with and subject to the laws of the state, as follows:

No substantial change in right of cities and villages to adopt home rule charters but legislature could provide for such charters for counties or other local government units for first time. Legislative supremacy over charters continued.

16. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law.

. . . Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof;

Majority required for adoption left to legislature under Amendment No. 1; also time of election.

Effective date of charter left to legislative regulation or to charter provision.

17.

Provided, that in cities having patrol limits now established, such charter shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established.

Special requirement for liquor patrol limit changes by charter left to legislature under Amendment No. 1

18.

Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed.

Omitted from the amendment as unnecessary.

19.

Duplicates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof.

These are among the procedural details left to the legislature by the amendment.

20.

. . . It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate and a legislative body of either one or two houses; if of two houses at least one of them shall be elected by general vote of the

Left to legislative regulation by the amendment.

22. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

23. Art 11, Sec. 4. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective office other than judicial.

24. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective

electors.

. . . But no local charter, provision, or ordinance passed thereunder shall supersede any general law of the state defining or punishing crimes or misdemeanors.

The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the first five years shall have been qualified voters thereof, to be appointed by the judges of the judicial district in which the city or village is situated, as the legislature may determine, for a term in no event to exceed six years, which board shall, within six months after its appointment, return to the chief magistrate of said city or village a draft of said charter, signed by the members of said board, or a majority thereof. . . The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, or expiration of term of office, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

. . . Such charter so deposited may be amended by proposal therefor for at least once each week for four successive weeks in a legal newspaper of general circulation in such city or village, and accepted by three

Amendment No. 1 relies on general provision (see item 15) that the charter must be in accordance with the laws.

This would be an additional method of accomplishing city-county consolidation of separation since there are now no county charters; enabling act, which could add restrictions on scope of charter or on procedure, would first be required.

Present method of selection and present qualifications could be continued, but legislature would be free to change them. Terms and number would likewise be left to legislature.

Maximum time left to legislature.

Procedure by which charter gets to the electorate left to legislature.

Provisions on vacancies and membership, etc. left to legislature.

Present right to initiate amendments by charter commission or by petition of voters is continued; determination of majority and amount of publication left to legislature (as in

tive until approved by the voters by the majority required by law.

25. Amendments may be proposed and adopted in any other manner provided by law.

26. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

27.

. .In submitting any such charter or amendment thereto to the qualified voters of any such city or village any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

28.

The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than twenty thousand inhabitants, or to cities of twenty and not less than ten thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local

the case of original charters).

Amendment also requires conformity with laws (see item 15).

New; would authorize legislature to provide, for example, for initiation of amendments in certain cases by local governing body, adoption of specified kinds of amendments by governing body, subject to right of referendum.

Now a city may not give up its charter and new charters must be adopted by the amendment process (which now is more difficult but would not need to be under the amendment.)

Left to legislative regulation under Amendment No. 1.

Present classes, now also provided for by statute, would continue, but legislature could change limits. It could also provide for different classes both for cities and other units, subject to the provisions (items 12, 13) defining special laws and regulating their passage when a class is defined too narrowly.

29. Art. XI, Sec. 5. Existing laws and charters, valid when adopted, shall continue in effect until amended or repealed in accordance with this article.

30. Art. IV, Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject.

31. The legislature shall pass no local or special law

32.

33. authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys;

charter herein provided for.

Art. IV, Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted;

and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject.

The legislature shall pass no local or special law

regulating the affairs of, or incorporating erecting or changing the lines of, any county, city, village, township, ward or school district, or creating the offices, or prescribing the powers and duties of the officers of, or fixing or relating to the compensation, salary or fees of the same or the mode of election or appointment thereto,

authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys;

Prevents jeopardizing status of present general laws of special application but requires amendment to name the unit affected under item 12. Also keeps in effect present home rule charter enabling act containing almost all the provisions of present Art. 4, Sec. 36.

Only change is to add "except as provided in Article XI". Purpose when taken with changes in subsequent items is to permit special laws on local government, with general local consent provision attached (see item 13) but to leave special law prohibitions intact in application to other matters.

No change in this introductory clause.

Amendment No. 1 would authorize special laws on these subjects under items 12 and 13; present prohibition is largely avoided by use of classification device. See Comment C.

No change

34. remitting fines, penalties or forfeitures;	remitting fines, penalties or forfeiture	No change
35.	regulating the powers, duties and practices of justices of the peace, magistrates and constables;	See comment on item 32
36. changing the names of persons, places, lakes or rivers;	changing the names of persons, places, lakes or rivers; for opening and conducting of elections, or fixing or changing the places of voting;	No change See comment on item 32
37. authorizing the adoption or legitimation of children;	authorizing the adoption or legitimation of children;	No change
38. changing the law of descent or succession;	changing the law of descent or succession;	No change
39. conferring rights upon minors;	conferring rights upon minors;	No change
40. declaring any named person of age;	declaring any named person of age;	No change
41. giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability;	giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability;	No change
42.	locating or changing county seats;	See comment on item 32
43.	regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;	See comment on item 32
44. exempting property from taxation or regulating the rate of interest on money;	exempting property from taxation or regulating the rate of interest on money;	No change
45. creating private corporations, or amending, renewing, extending or explaining the charters thereof;	creating corporations, or amending, renewing, extending or explaining the charters thereof;	Excludes all but private corporations from the prohibition. See comment on item 32.

46. granting to any private corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose.

47. The inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

48. The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same except as provided in Article XI.

granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose.

Provided however, that the inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same.

NOTE

(Art. 4, Sec. 34 is not referred to in Amendment No. 1 and would continue unchanged. It reads:)

Art. 4, Sec. 34. The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the State.

Excludes all but private corporations from the prohibition. See comment on item 32

No change in tax exemption provision.

Same, except for verbal change

See comment on item 32

APPENDIX

Supplementary Comments

A. Legislative Power Over Local Governments

It is a fundamental principle of constitutional law that the legislature has plenary power over local units of governments except as that power is limited by constitutional provisions. In numerous decisions this principle has been applied by the Minnesota Supreme Court to almost all kinds of local government units—cities, villages, counties, towns, and school districts, for example—and to various kinds of local government laws, including creation and dissolution, consolidation, change of boundaries, and transfer of functions and property. There is no constitutional right to local self-government.

So far as the subject-matter of Amendment No. 1 is concerned, the most important modification of the legislature's inherent power are those made in the present section on special legislation (Art. 4, Sec. 33, 34) and on home rule charters (Art. 4, Sec. 36). There are a few miscellaneous restrictions in Art. 11, but these are not generally of sufficient importance to require comment here. (Note Comment B, however, with respect to the restrictions on county boundary changes.)

Everything within the scope of the legislature's declared power under the opening statement of Sec. 1 of the proposed Article 11 may now be done by general law (except, possibly, authorizing establishment of a county of less than 400 square miles—see Comment B). Most of these things may not now be dealt with by special law, but this is of little practical consequence because of the growing practice of passing general laws limited in application to a single community, a practice perhaps encouraged by the increasing tendency of the courts to declare them constitutional. (On this point see Comment B.)

It is sometimes argued that the present home rule pro-

vision of the constitution (art. 4, Sec. 36) gives charter cities a constitutional right against dissolution or consolidation. This is very doubtful (there is no court decision recognizing a special constitutional status for home rule charter cities except with reference to the procedure for charter adoption and amendment), but such a right would be of little practical importance since any such right would not include a guarantee of territorial integrity or of any continued powers. Furthermore, it is very doubtful that the amendment gives any less constitutional protection to home rule charter cities. (The League memorandum, "Local Government Consolidation in Metropolitan Area Under Present Constitution and Amendment No. 1" discusses more fully this and other arguments dealing with metropolitan consolidation.)

B. Present Constitutional Restrictions on County Establishment and Boundaries.

By its terms the present constitution appears to prevent the legislature from providing for a new county of less than 400 square miles or reducing an existing county below that minimum or for changing county seats or county boundaries without a popular vote. Actually these provisions are now of little, if any, practical effect. Several cases have held that the election provisions referred to have been made inoperative by the adoption of the 1881 and 1892 amendments forbidding special legislation, and the principle of these cases seems to be just as applicable to the other restrictions referred to. Before the adoption of that amendment, the court had held that without approval of the county voters the legislature could disorganize a county and attach it to an adjoining county for all county purposes as long as the

county's boundaries and county seat were nominally retained.

These points are discussed more fully and pertinent court citations added in the League memorandum previously referred to.

C. Special Legislation.

While the 1892 amendment generally prohibits special legislation, as such, in the local government field, the result has been largely to change the form of special laws without substantially reducing their volume. Numerous court decisions have established the principle that the present provisions do not prevent the legislature from limiting the application of a local government law to a single class; and if the criteria used to establish the class are germane to the purposes of the law, the fact that there is only one unit within the class at the time does not make the act invalid as special legislation. Other exceptions have been read into the prohibition, including "curative" acts validating past action (and often permitting future action based on the validated acts) and acts relating to local courts (other than justice of the peace courts). In addition, a law passed for one of the four classes of cities referred to in the present home rule provision (see item 28) is automatically general no matter how germane the classification is to the legislative purpose and even if it distinguishes home rule charter cities from other cities and is made applicable to one group only. The rule of germaneness has been so liberally construed that there can no longer be any serious doubt that a properly drawn law could provide for example for the consolidation of the city of Minneapolis with its suburbs, without being unconstitutional as special legislation.

A law which is constitutionally general may now be passed without any local approval. However, a consolidation law such as that just described would be a special law under Amendment No. 1 and would be subject to the identification and local approval requirements of the amendment. (See items 12, 13).

The approval thus required could be given by either the governing body of the affected unit or units or the voters. The legislature could determine which; it could also determine the majority required. Both decisions could be made in the special

law itself or by the adoption of a general policy in advance of its enactment. However, any dispensing with the approval requirement would have to be done under a general policy determined in advance by a general law; it could not be avoided by a provision in the special law alone.

While the amendment proposes to authorize special laws for local government units, it is arguable that a general law of limited application which is not a special law under the amendment definition may still be required to meet the test of the so-called "sweeping clause" of Art. 4, Sec. 33 (item 30). However, this blanket provision forbidding a special law when a general law can be made applicable has been virtually a dead letter for over 50 years. It is not likely that the clause would be given any new vitality by the adoption of Amendment No. 1.

Legislative practice in adopting what are tantamount to the special laws of former days probably goes considerably beyond what the courts have sanctioned. Many of the special laws adopted each session would quite clearly not meet the judicial tests of a general law and would be invalidated if attacked. Only a tiny fraction of the total is ever subjected to court scrutiny, however; the remainder have as much operative effect as if they were constitutionally invulnerable.

Citizens League
601 Syndicate Building
Minneapolis 2, Minnesota

May 20, 1958

THE HOME RULE AMENDMENT
WHAT IT DOES AND DOESNOT DO

And the Position of the Citizens League
on Minneapolis-Suburban Issues

By VERNE C. JOHNSON
Executive Director
Citizens League of Minneapolis and Hennepin County

The charges of at least one suburban newspaper editor directed against Home Rule Constitutional Amendment #1 and the role played in its behalf by the Citizens League are remindful of the old saying, "If one says something loudly enough and often enough, people will believe it to be true, irrespective of the facts." While the League has no intention of being distracted from the merits of this amendment or becoming involved in name-calling, the charges which have been made should not and cannot go unchallenged.

One assertion is that Amendment #1 favors the City of Minneapolis at the expense of the suburbs, and that the Citizens League puts the interests of Minneapolis above those of the suburbs. This charge simply doesn't hold water. Between 35-40% of the Citizens League membership resides in the suburbs, and the Board of Directors is similarly represented geographically. Never to my knowledge has the Citizens League taken a stand directly affecting the suburbs which has been contradictory to the expressed desires of a majority of our suburban membership. The same statement can be made about overriding our Minneapolis members on an issue which affects the City. It is inconceivable that the League Board of Directors would permit a situation to develop whereby the wishes of those directly affected would be overridden by members who did not live in the affected area.

The charge has also been insinuated, if not made, that the Citizens League favors a metropolitan super-government. No doubt among the more than 3,000 League members some have this conviction, for we welcome and encourage League members who have ideas and the courage to discuss them. But official League policy is established solely by our Board of Directors, and the Board has never taken a stand on the subject.

The League has supported, as have many other groups, the establishment of the Twin Cities Metropolitan Planning Commission and the County Park Reserve District, and believes we are fortunate to have sanitary sewage and airports handled by the Minneapolis-St. Paul Sanitary District Board and the Metropolitan Airports Commission. We have also endorsed, without success, establishment of a Metropolitan Transit Authority.

In addition, the League has officially supported the handling of certain municipal functions by inter-municipal cooperation -- such as firefighting -- or, on a larger-than-municipal basis -- such as a modified county assessor system. But all such decisions are preceded by careful study by a committee whose membership includes residents of suburban areas, and through a process which takes pains to find the facts and the views of officials and others concerned.

The specific issue of governmental relationships in the overall metropolitan area is now under study by the League's Metropolitan Government Committee. The committee is first undertaking an inventory of all the local governments in the area, to find out what they are and what problems they have. Then it will attempt to suggest how these problems might be tackled, based on the inventoried facts, experience in

other urban centers, and a set of guiding principles.

Of the 17 members of the committee, three are from Richfield, two from Bloomington, two from St. Louis Park, one each from Deephaven, Edina, Excelsior, Holden Valley and Wayzata, and five from Minneapolis. What is more important, we believe, is that all are devoted to the cause of strong local government, and feel that if local government is to remain strong we must approach the complex modern problems of urban centers with a constructive and open mind, regardless of whether this may mean some changes in our current pattern of governmental arrangements.

Perhaps the charge that has resulted in the most confusion is that under Amendment #1 the City of Minneapolis could gobble up the suburbs without their express consent. This charge is as fallacious as the others. In a positive and constructive way, let me state very briefly what Amendment #1 does and what it does not do.

Amendment #1 does take out of the constitution the provision by which a 60% favorable vote is needed to amend city charters. Discretion as to the size of the majority needed to amend charters is left to the legislature. If communities are to have real home rule, then it is essential that the 60% requirement be reduced and this proposed change is one of the strongest reasons why the Citizens League is supporting Amendment #1.

The amendment does transfer from the legislature to the local community primary responsibility for making local decisions. This is good and is the very essence of home rule. Amendment #1 does this in two ways. First, as a general rule, special legislation cannot become operative until there is local ratification, either by the voters or by the governing body of the local unit affected by the legislation. Under the present constitution there is no protection whatsoever against arbitrary legislative action.

Second, Amendment #1 authorizes counties to adopt home rule charters. This provision would transfer primary responsibility for making decisions with respect to functions now handled on the county level from the legislature to the county governing body.

This, briefly, is what the amendment does. Now, for a few comments about what the amendment does not do.

The amendment does not authorize or permit, without express local consent, consolidation, geographically or by functions, of suburban communities with either the City of Minneapolis or the County. Under Amendment #1, consolidation can be accomplished in two, and only two, ways.

One way is for the legislature to pass special legislation setting forth the specific function or functions which are to be consolidated. Such a consolidation becomes effective when, and only when, it is ratified by either the voters or the local governing body of each community affected by the consolidation.

The other way is to incorporate specific consolidation in the county home rule charter which might be submitted for a vote or, subsequent to the adoption of a county home rule charter, to offer amendments to the charter. In either event, Amendment #1 provides that the votes in each city affected and in the remainder of the county be counted separately. If a majority of the voters in any one of these cities or in the remainder of the county do not favor the consolidation, it cannot take effect. For example, the city of Minnetonka Beach with a population of 400 plus people, has the power under Amendment #1 to veto any countywide consolidation, even though a majority of the people in every other community favor the consolidation.

What additional protection than that provided by Amendment #1 can any suburban community legitimately request? In fact, there are some who feel that the protections contained in Amendment #1 go so far as to prevent efficient and economical handling of twentieth century problems. In any event, no one who is actively interested in the passage of Amendment #1 is doing so because it provides a ready vehicle for consolidation of local functions at the county level. This could much more readily be accomplished under the present constitutional provisions, which permit the legislature to abolish every and any community in the county, with the possible exception of home rule cities, and there is not the slightest thing any community could do to prevent it.

The League is firmly convinced that Amendment #1 is in the best interests of the people of Minnesota, including those who live in the suburbs, but most assuredly not because anything contained in Amendment #1 would make consolidation more easy. As has been demonstrated, suburban communities are granted considerably more protection in this respect than under the present provisions of the constitution. The principal benefits which will accrue from passage of Amendment #1 are the removing from the constitution of the mandatory 60% favorable vote requirement for amending city charters and the transferring of primary responsibility for local decisions from the legislature to the local governing officials.

Thankfully, the charges being made against Amendment #1 and the Citizens League are being made more than five months ahead of the election date, which gives ample opportunity to correct misstatements and false impressions. There is no evidence thus far that the charges are undermining confidence in Amendment #1 or in the Citizens League, and we are confident they will not if they are answered as promptly, as clearly and as forcefully as possible.

Amendment # 1 - on ballot November 1958

PROPOSED CONSTITUTIONAL AMENDMENT ON LOCAL GOVERNMENT

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MINNESOTA
RELATING TO LOCAL GOVERNMENT AND REVISING AND CONSOLIDATING THE
PROVISIONS THEREFOR; AMENDING ARTICLE XI AND ARTICLE IV, SECTION
33, AND REPEALING ARTICLE IV, SECTION 36.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. An amendment of the Constitution of the State of Minnesota revising and consolidating the provisions relating to local government is proposed to the people of the state for their approval or rejection, which, if adopted, amends Article XI, amends Article IV, Section 33, to remove inconsistent provisions, and repeals Article IV, Section 36. The proposed amendment revises Article XI and Article IV, Section 33, to read as follows:

ARTICLE XI

Section 1. The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Sec. 2. Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

Sec. 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

Sec. 4. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

Sec. 5. Existing laws and charters, valid when adopted, shall continue in effect until amended or repealed in accordance with this article.

ARTICLE IV

Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitimation of children, changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing extending or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. The inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same except as provided in Article XI.

Sec. 36. This section is repealed.

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Sec. 2. The proposed amendment shall be submitted to the voters of the state for their approval or rejection. Notwithstanding Minnesota Statutes 1953, Section 3.21, the attorney general shall omit from the statement of purpose and effect the text of the existing sections of the constitution proposed to be amended, repealed, or superseded by the proposed amendment. The question shall be stated on the ballot as follows: "Shall the constitution of Minnesota be amended by revising and consolidating the provisions on local government, regulating the passage of special laws relating thereto, and providing for the adoption and amendment of home rule charters by cities and villages and by other local government units when authorized by law?

Yes _____

No _____"

Approved April 27, 1957.

File

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FOR SUNDAY PAPER

March 31, 1958

To the Editor
St. Paul Pioneer Press
St. Paul, Minnesota

The League of Women Voters of Minnesota has always stood for good government. We have actively studied ways of improving our state constitution since 1948. Amendments 1 and 2, offered by the last legislature for vote next November, are two proposed changes in the present constitution which the League feels are important and should be made.

The Home Rule Amendment (#1) is the result of ten years of hard work on the part of some of the best constitutional attorneys in the state and of other informed people and organizations. The League believes that passage of the Home Rule Amendment will pave the way for more effective local government. At the same time, the improved provisions on special legislation should help break up the log-jam of special acts in the Legislature and allow our Legislators to concentrate more of their efforts on state-wide issues.

The Longer Term Amendment (#2) gives four-year terms to the Governor and other state executive officers, starting in 1962. It should make possible more satisfactory development of administrative politics and more efficient government.

We ask other citizens to join the League of Women Voters of Minnesota in supporting these governmental improvements.

Sincerely,

Anne Green

Mrs. Kenneth Green
Constitutional Revision Chairman

F 3 D 2 A 21

League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minn.
March 1958 030958D

Attention: Local Leagues

Re: Proposed Amendment #3

The State Board has voted to reconsider the League's action on Amendments 1, 2 & 3; that we support 1 and 2, but that we neither support or oppose Amendment #3 - the Elective Office Amendment. The Board decided, after full discussion, that the implications of the last phrase of the bill, "...provided, however, that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as a county attorney.", made the amendment one which does not satisfy League standards.

This action was taken after study and consultation with political scientists and others interested in state government, most of whom felt that the improvement made by the first section outweighed the possible disadvantages of the second. However, the State Board feels that the disadvantages of the second section (the lawyer-legislator rider) create new problems not now in the constitution. Therefore, despite the advantages of the first section in removing unnecessary restrictions on holding office, the Board felt that the League of Women Voters should not support Amendment #3. We will supply the public with information, as set forth in the accompanying material.

INFORMATION ON PROPOSED CONSTITUTIONAL AMENDMENTS
TO BE VOTED ON NOVEMBER 1958

AMENDMENT # 1 - Home Rule Amendment

Amendment #1 proposes changes in the state constitution relating to local government. It amends Article XI, amends Article IV Sec. 33, and repeals Article IV Sec. 36.

The present constitutional provisions on local government are:

- Article IV, Sec. 33 - "Against Special Legislation,"
Article IV, Sec. 36 - "City or village may frame its charter; submitted to the voters; cities classified." (This section is restrictive and confusing. For example, the voting requirements on adopting a charter are 4/7 (57%), and to amend, 3/5 (60%). There is no provision for repealing a charter once adopted.)
Article XI. - "Counties and Townships". (These sections contain provisions for county and township organization, election of officers, powers of taxation - all through legislative enactment.)

The proposed amendment contains the following provisions:

- Article IV, Sec. 33 - "In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI." This section retains the constitutional restrictions on special legislation, except as relating to local government.
Article IV, Sec. 36 - Repealed
Article XI. - Completely new article on local government
Section 1. "The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats, No county boundary shall be changed.... until approved by a majority of the voters of each county voting thereon."
Section 2. This section enables the legislature to enact special laws relating to a local government, but it must name the unit involved, and it cannot become effective until voted approval by the local government unit (either voters or governing body), unless otherwise provided by general law. A charter or charter amendment can overrule a special law if it is adopted after the law is passed.
Section 3. "Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law."
Section 4. This section provides for charter commissions, allows for repeal or amending of home rule charters, and allows the legislature to determine the voting requirements on adopting and amending.
Section 5. Existing laws and charters shall continue in effect until amended or repealed.

Basically, Amendment #1 deals with 1) special legislation, 2) home rule charters, and 3) authorization of county home rule. The following questions and answers are designed to point out the changes the amendment would bring, what their effect would be, and controversial aspects of the amendment.

Special Legislation

Q - What is special legislation? What is a special law?

A - A special law is any law applying to a single unit of government or to a group of such units in a single county or in a number of contiguous counties.

Q - What does our constitution now say about special legislation?

A - Since 1892 the Minnesota Constitution has contained provisions prohibiting special legislation dealing with local governments. Yet every year hundreds of bills are passed which are special in nature. This is done by the device of "classification." An amendment in 1896 allowed for the division of cities into four classes and the adoption of laws relating to a special class. A city, town, or village cannot be named in the legislation. For example, a bill can be drawn for Minneapolis alone by limiting its application to cities of over 450,000 population.

Q - What are some of the disadvantages of the present practice?

- A -
1. Reliance on the legislature for special acts tends to weaken local government and destroy the effectiveness of home rule.
 2. Special laws require valuable legislative time better spent on general policy. In the 1957 session alone, approximately 259 special bills were passed - 27% of total bills passed.
 3. General legislative deliberation on special bills is almost totally lacking.
 4. Many laws are put in special form in order to avoid the difficulty of selling the legislature on general policy, whereas the law might be desirable as a general law.
 5. Special legislation is so obscure that it is almost impossible to find if one does not know of its existence.

Q - What will the proposed amendment accomplish?

- A -
1. The special law will have to name the local government unit to which it applies.
 2. A special law cannot become effective without the approval of the local unit.
 3. A special law could be modified or superceded by a subsequently adopted charter or charter amendment. Thus a new charter might enable a city to rid itself of accumulated special laws.

Home Rule

Q - What is home rule?

A - Home rule is the power given by the constitution to communities to determine their own form of government. The home rule power is used by a community when it drafts, and its voters adopt, a home rule charter.

Q - How many Minnesota communities have used their home rule privilege?

A - Of 153 villages and cities in Minnesota, 86 have home rule charters. When a village adopts a home rule charter, it automatically becomes classified as a city regardless of size.

Q - How are the communities governed which do not have home rule charters?

A - Either by special laws passed by the state legislature to apply to a particular community or under a general law permitting villages to choose certain optional plans of government set forth in the laws.

Home Rule (cont)

Q - What is an advantage and disadvantage of adopting home rule charters?

A - The people in a community know their own local needs and local government problems better than a distant legislature composed of persons residing in other cities, so a home rule charter can be tailored to the city's needs. However, changes in a charter may be more difficult to get because of the 60% vote requirement as against getting a law passed.

Q - What is an advantage and disadvantage of communities being governed by general or special laws passed by the state legislature?

A - 1. Changes in the local government provisions may be easier to get from the legislature, but laws applying to a particular community may be passed without obtaining its consent.
2. Communities may change from one form of government to another within the optional plans set up by the legislature.

Q - How will Amendment #1 change things for cities and villages?

A - 1. It will permit the legislature to make it easier for communities to adopt home rule charters by lowering the voting requirements from the present 4/7.
2. It will permit the legislature to lower the voting requirements for amending home rule charters.
3. It provides that a local government unit may repeal a home rule charter and adopt a new one, or a statutory form of government.
4. It provides that a charter amendment overrules a special law if it is adopted after the law is passed.

Q - If home rule means "self-government," then why do we need special laws at all?

A - Quotation from William Anderson, "Municipal Home Rule in Minnesota": "Under the American system of government, each state has complete power to govern the people within its boundaries in every respect not forbidden by the federal constitution. The legislature of the state is supposed, therefore, to have all the powers of government not denied to it. Hence its power extends to municipal affairs of all kinds as well as to state affairs...When kept within proper limits local self-government is an excellent thing, but when it is carried to a point where the city causes injury to the state as a whole, the superior interests of the people of the state must prevail over those of the people in the city, just as national must prevail over state interests."

Senator Rosenmeier points out also that special laws are sometimes necessary to take care of emergencies which arise requiring quick action. The process of having citizens vote on every piece of legislation is cumbersome and almost impossible to achieve.

Q - How does the Home Rule Amendment measure up to League standards and where does it fall short?

A - The League supported the 1955 bill which was endorsed by the League of Minnesota Municipalities and which was probably more closely allied to Minnesota Constitutional Commission recommendations. The 1955 bill incorporated everything into an Article XI, was in simple language, and was clear as to definitions and provisions. In the 1957 bill you will note that the voting requirements on Home Rule Charters are left up to the legislature to implement. This follows the sound practice of writing basic policy into the constitution and leaving the details to the legislature. Amendment #1 is still, in substance and underlying philosophy, the result of the MCC report of 1948.

best D

Q. Green

Jan 1958

- Q - Is the Home Rule Amendment an attempt to annex the suburbs into one large city or county? (Refer to Article XI, Sec. 3)
- A - No, It is an effort to improve the effectiveness of local government by
 1) bringing special legislation into the open and requiring local approval, and
 2) at the same time making possible legislation facilitating the use of home rule charter privileges. The amendment does recognize the possibility that city-county consolidation or separation may be accomplished through a home rule charter. (This is impossible now because there is no provision in the constitution for county home rule charters.) However, before this can be done, a legislative enabling act would have to be passed, and then voter approval secured by separate majorities in both the central city and in the rest of the county.
- Q - Does Amendment #1 extend the legislative power to abolish local communities without their consent? (Refer to Article XI, Sec. 1)
- A - No, the wording of Section 1 does not grant to the legislature power that it lacks now. Under the present constitutional provision, the legislature may provide for the abolition of local units and for consolidation in any manner it sees fit, using the classification device. Under the proposed amendment, any similar law would require the approval of the voters or the governing body of the local government affected, unless a general law dispensed with the need for approval.

Authorization for County Home Rule

- Q - How will Amendment # 1 affect counties?
- A - Amendment #1 makes it possible for the legislature to authorize counties to adopt home rule charters if a different form of government is wanted by the county. The increasing complexity of county services, particularly in metropolitan areas, makes this possibility of interest. Other states have had county home rule for many years.
- Q - Is county home rule necessary?
- A - The answer is indicated in the number of special laws which are passed for counties in each session. In the 1957 session, of the 259 special laws passed, 105 were for counties. County home rule, as provided for in this amendment, could provide more flexibility or allow reorganization of county government. Also the legislature could provide for optional forms of county government such as are now available for towns and villages.

Conclusion on Amendment #1

We should like to quote Mr. Orville Peterson, attorney for the League of Minnesota Municipalities, and authority of many years' standing in the field of local government:

"I think no one who had a part in the legislative work of Amendment # 1 would argue that it provided a perfect solution to the constitutional problems of state-local government relations. The amendment is a product of long deliberation and compromise. The choice, is, therefore, not between the proposed amendment and a "perfect amendment," whatever that might be, but between Amendment #1 and the present constitution. I do not think that in the foreseeable future we can expect the legislature to submit an amendment on local government which goes farther in the direction of legislative restrictions or the broadening of local autonomy. Particularly when this setting is appreciated I think the proposed amendment should be supported as providing a much sounder constitutional framework than we now have."

AMENDMENT #2 - Four year term for Governor and other Constitutional Officers

This amendment would lengthen the term of office for the governor, lieutenant governor, state treasurer, attorney general, and secretary of state from two to four years, starting with the election of 1962. As you know, the Four Year Term was specifically listed in the League's Current Agenda in 1955 and is now a Continuing Responsibility. For more detailed reasons why we support this amendment, please refer to The State You're In, Chapter IV, section on Tenure. The state auditor continues to have a four year term under this amendment.

AMENDMENT #3 - Elective office Amendment

Q - What does Amendment #3 accomplish?

- A - 1. It amends Article IV, Sec. 9 to grant a state senator or representative the right to run for another elective office while a member of the legislature, even if the position was created, or the salary for the position was increased, by the legislature of which he is a member; providing that if elected, he resigns his legislative post. This was previously forbidden under Article IV, Sec. 9.
2. He may hold no non-elective office other than Notary Public or postmaster.
3. It also permits a legislator to serve as an attorney for a city, village, or school district while serving in the legislature. He cannot serve as a county attorney.

Q - What are the advantages of this amendment?

- A - Our present Article IV. Sec. 9 is unnecessarily restrictive. Many good men have been prevented from running for another office because of this section.

Q - What are the disadvantages of this amendment?

- A - There has been some debate on the advisability of allowing a legislator to serve as a city, village, or school district attorney. Actually it is fairly common now, even though forbidden in the constitution. Many feel that this is a good thing and this is why:

1. It is a good thing to have lawyer-legislators and they need practical experience while serving in the legislature.
2. Since many legislators now serve in these capacities, it should be made consistent with present practice and be made allowable under the constitution.
3. The advantages of the first part of this amendment (allowing him to run for another office) outweigh the disadvantages of the last part; therefore it should be supported.

Many feel that this is a bad thing because:

1. A legislator cannot possibly escape having a conflict of interests if he is an attorney for a village, city, or school district while also a legislator.
2. A legislator might be able to exert undue influence on a local government to retain him as village attorney.
3. A lawyer is bound by a code of ethics and he should not be representing two sides at once.
4. This amendment is an attempt to legalize an existing practice not necessarily good.

It is because of these last four considerations that the League of Women Voters will not actively support Amendment #3 and will merely inform the public.

Amendment No. 1

A Real Advance In Home Rule

An Editorial by C. C. Ludwig, Editor MINNESOTA MUNICIPALITIES
(from the October Issue)

THE GIST OF IT

"Home Rule" in Minnesota can be strengthened if we get these four things:

1. *An improved constitutional base Amendment No.*

election November 4 by convincing our citizenry that they should vote "yes" for No. 1. The purpose of the amendment is simple and desirable. Its ramifications,

should exercise their leadership to explain, to arouse, to get commitments and to stimulate in every possible way in their respective communities support for the



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PROPOSED CONSTITUTIONAL AMENDMENT ON LOCAL GOVERNMENT

(Laws 1957, Ch. 809 -- H. F. 1031)

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MINNESOTA RELATING TO LOCAL GOVERNMENT AND REVISING AND CONSOLIDATING THE PROVISIONS THEREFOR; AMENDING ARTICLE XI AND ARTICLE IV, SECTION 33, AND REPEALING ARTICLE IV, SECTION 36.

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ARTICLE XI

Section 1. The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Section 2. Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

Section 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

Section 4. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

Section 5. Existing laws and charters, valid when adopted, shall continue in effect until amended or repealed in accordance with this article.

ARTICLE IV

Section 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative

assertion on that subject. The legislature shall pass no local or special law authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys, remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing, extending or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. The inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same except as provided in Article XI.

Section 36. This section is repealed.

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Section 2. The proposed amendment shall be submitted to the voters of the state for their approval or rejection. Notwithstanding Minnesota Statutes 1953, Section 3.21, the attorney general shall omit from the statement of purpose and effect the text of the existing sections of the constitution proposed to be amended, repealed, or superseded by the proposed amendment. The question shall be stated on the ballot as follows: "Shall the constitution of Minnesota be amended by revising and consolidating the provisions on local government, regulating the passage of special laws relating thereto, and providing for the adoption and amendment of home rule charters by cities and villages and by other local government units when authorized by law?

Yes _____ No _____"

Approved April 27, 1957

**THIS IS HOW THE
AMENDMENTS WILL
APPEAR ON YOUR BALLOT
AND VOTING MACHINE**

1 "Shall the Constitution of Minnesota be amended by revising and consolidating the provisions on local government, regulating the passage of special laws relating thereto, and providing for the adoption and amendment of home rule charters by cities and villages and by other local government units when authorized by law? Yes ☐ No ☐

2 "Shall the Constitution of the State of Minnesota, Article V, Sections 3 and 5, be amended so as to provide for the election of the governor, lieutenant governor, secretary of state, treasurer, and attorney general for four year terms beginning with the general election in 1962? Yes ☐ No ☐

3 "Shall Article IV, Section 9 of the Constitution of the State of Minnesota be amended so as to permit a senator or representative to hold certain elective and non-elective offices under authority of the State of Minnesota or the United States? Yes ☐ No ☐

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Be "In the Know"

Informed voters mean better government

Be informed when you go to the polls

A QUICK LOOK AT

**Constitutional
Amendments
1, 2, 3**

To be voted on November 4 by Minnesota Voters

Prepared and Distributed by

**INFORMATION COMMITTEE
ON CONSTITUTIONAL
Amendments**

**1
2
3**

346 Griggs—Midway Building
Saint Paul 4, Minnesota
Midway 6-2743

HERE IN BRIEF IS WHAT
THE AMENDMENTS ARE:

AMENDMENT NO. 1

The Home Rule Amendment

Revises the local government sections of the constitution, particularly those dealing with home rule and special legislation. (See next page for more on this.)

AMENDMENT NO. 2

Increases the terms of Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General from two to four years, commencing in 1963.

29 states now have four year terms for governors while 19 states have two year terms. Terms of other officials vary widely.

Some arguments for the four year term are that it allows for long range planning and budgeting, it reduces the time required for campaigning, and allows more time for the job of administration. It also allows voters to concentrate their attention on state issues and national problems at separate elections. The four year term has been recommended by the Little Hoover Commission. A major argument against a change is that voters would not have as frequent opportunity to express approval or disapproval of the programs and work of these officials.

AMENDMENT NO. 3

Permits a legislator to be elected or appointed to another office provided he resigns his legislative office when he assumes the new office. This treats senators and representatives like other elected officials in Minnesota.

The amendment also permits legislators to be attorneys for local units of government and to run for any state office regardless of whether the office was created or the salary of the office increased during their term of office.

Some Questions and Answers About Amendment No. 1

Q. What is Home Rule?

A. Home rule is the power given by a state constitution to local communities to determine their own form of government. The home rule power is used by a community when it drafts, and its voters adopt, a home rule charter.

Q. How many Minnesota communities have used their home rule privileges?

A. 86 of the 102 cities in Minnesota have home rule charters. When a village adopts a home rule charter it automatically becomes classified as a city, regardless of size.

Q. What are "general" and "special" laws?

A. A "general" law is any law which applies to a class or group of communities, areas, or counties. A "special" law is a law which applies usually to only one or at most two or three communities, areas, or counties.

Q. How are communities governed which do not have home rule charters?

A. Cities not having home rule charters are governed under one of three "general" laws or under "special" laws passed by the state legislature to apply to the particular city. Villages are governed under a "general" law permitting them to choose certain optional plans of government set forth in the laws.

Q. What are the advantages and disadvantages of the present system whereby communities are largely or completely governed by "general" or "special" laws?

- A. (1) *Advantages:* Changes in local government are obtained merely by the legislature passing a new law.
(2) *Disadvantages:* (a) "Special" laws ap-

plying to a particular community may be passed contrary to the preference of the community. (b) It concentrates local powers in the hands of legislators who are not elected for this purpose. (c) Changes in "general" laws are difficult to pass because of the many communities affected.

Q. How will Amendment No. 1 change things for cities and villages?

- A. (1) It permits the legislature to lower the present high voting requirements of 4/7 now needed to adopt and 3/5 needed to amend which would make it easier for communities to adopt and amend home rule charters.
(2) It strengthens local responsibility by generally requiring that "special" laws affecting particular communities be approved by referendum in the community or by the local governing body before they take effect.
(3) It requires that "special" laws name the community affected.
(4) It provides that a charter amendment overrules an existing "special" law.

Q. How will Amendment No. 1 affect counties?

- A. (1) It makes it possible for the legislature to authorize county home rule by the adoption of a home rule charter. The legislature might also authorize optional forms of county government as it presently does for villages.
(2) It provides that consolidation of a city and county can only be effected if the voters both in the city and in the rest of the county approve of it.

(9587)

Information Committee on
Constitutional Amendments #1, 2, 3
346 Griggs-Midway Building
St. Paul, Minnesota
MI 6-2743

Proposed News Release: March 20

A statewide voluntary citizens committee is currently being organized to disseminate factual information on the three constitutional amendments Minnesota voters will consider in the general election, November 4.

Co-Chairmen of the group are County Commissioner Lew Larson, Mabel, Minnesota, and Harold Thomforde, former mayor of Crookston.

Mr. Larson is former President of the Minnesota Association of County Commissioners. Mr. Thomforde is President of the League of Minnesota Municipalities.

According to the chairmen, an organized effort to inform voters about these amendments, all of which are concerned with the structure and organization of government, is particularly necessary because of the complexity of Amendment #1.

Amendment #1 revises the home rule and special legislation provisions in the constitution. Amendment #2 increases the terms of the governor, lieutenant governor, state treasurer, attorney general, and secretary of state from two to four years, starting with the election in 1962. Amendment #3 permits members of the legislature to serve as a local government attorney other than county attorney and to run for another office without resigning as a legislator until he takes office.

Other officers and members of the steering committee of the newly formed group are: Raymond Black, Minneapolis, Vice Chairman; Orville Peterson, St. Paul, Secretary; Ralph T. Keyes, St. Paul, Treasurer; and Steering Committee members: Senator Donald M. Fraser, Minneapolis; Senator Gordon Rosenmaier, Little Falls; Representative Roger F. Noreen, Duluth; Representative Peter Popovich, St. Paul; Clarence Meyers, Blue Earth; William Pearson, Ogilvie; Leonall C. Andersen, Northfield; W. A. Wettergren, St. Peter; Peter M. Butler, Mrs. Kenneth Green, Mrs. Fred L. Paul, Jerome D. Schaller, Francis Tompkins, Tom Roeser, Charles Stone, and Edwin Christianson, St. Paul; and Charles B. Howard, George A. Farr, Harold C. Harris, Jr., Mrs. Stanley G. Peterson, Marlene G. Mitchell, George Robinson, and Mrs. Robert Uppgaarde, Minneapolis. Executive Secretary is Mrs. Louis R. Smerling, Minneapolis.

The home rule amendment (No. 1), if passed, will permit the legislature to set the majority requirements for adopting and amending home rule charters. At present, these majorities are set out in the constitution, with 57% required to adopt and 60% required to amend a home rule charter. None of the other states which authorize the adoption of home rule charters require special majorities.

Eighty-six Minnesota cities are governed under home rule charters, which means that a local charter commission drafted and the people adopted a document setting forth how the city should be governed. A charter for a city is like a constitution for a state or nation. (See attached list of Minnesota cities presently governed under home rule charters.)

Amendment #1 also enables the legislature to authorize counties to adopt the home rule charters if a different form of government is wanted by the county. County home rule is presently authorized in California, Maryland, Missouri, Ohio, Texas and Washington.

The amendment also changes the provisions as to special legislation, i.e. legislation dealing with only one or a few cities or villages. This type of legislation is presently prohibited. The prohibition, however, is circumvented by passing laws which are general in language but made applicable to a particular community by use of ingenious definitions. For example a law referring to "a city of between 8,000 and 10,000 population in a county with an assessed value of under \$8,000,000." This practice makes it difficult to know what cities the law presently or eventually applies to. Also, special legislation is passed which does not meet with the approval of the local governing body or the voters.

To correct this situation, Amendment #1 provides that the legislature may pass special laws, but if it does so they shall name the community or communities to which they apply right in the law, and the laws generally will not take effect until approved either by the local governing body or the voters of the community affected, the legislature specifies which.

The amendment committee announced that literature and speakers are available to all

page 3

interested groups in the state wanting clarification of the amendments. Requests can be made by calling MI 6-2743, or writing: Information Committee on Constitutional Amendments #1, 2, and 3, 346 Griggs-Midway Building, St. Paul, Minnesota.

[1958]

INFORMATION COMMITTEE ON
CONSTITUTIONAL AMENDMENTS 1, 2, 3
346 Griggs-Midway Building
Saint Paul 4, Minnesota
Midway 6-2743

Dear Member of the Minnesota Legislature:

Enclosed is a brochure which describes the three proposed amendments to the constitution which Minnesota voters will vote on next November.

We would like particularly to call your attention to Amendment #1, the "Home Rule Amendment."

This nonpartisan government reform measure has already been endorsed by the following organizations:

Minnesota League of Women Voters
Minnesota Association of County Commissioners
Minnesota Junior Chamber of Commerce
Home Rule and Legislative Committees of the League
of Minnesota Municipalities
Citizens League of Minneapolis and Hennepin County

Endorsement recommendations have also been submitted (for late May and June conventions) to the Minnesota DFL Party by its Special State Committee for Amendment Study, and to the Minnesota Republican Party by the Hennepin County Convention.

Due to its complexity, we urge you to discuss Amendment #1 in public whenever you can. Since all three amendments will probably be supported or defeated together, we feel it imperative to clarify the confusion about Amendment #1, which is relatively difficult to understand.

If you would like additional brochures, please write or call the above number or address. If you wish other more detailed information on the amendments, we will be happy to send it to you.

Thank you for your interest and for your assistance in informing Minnesota voters about these amendments.

Yours very truly,

Mrs. Louis R. Smerling
Executive Secretary

NEWS RELEASES

OF AMENDMENT
COMMITTEE

[1958]

Dear Editor:

You will undoubtedly be interested in recent events which indicate growing statewide support for proposed Constitutional "Home Rule" Amendment No. 1.

The enclosed release names major state groups which have endorsed Amendment No. 1 in recent weeks.

It appears that opposition to the amendment is dying down with the recent withdrawal of opposition by the Twin City Suburban Newspaper Publishers' Association.

We will be most grateful to you for publishing this information.

Sincerely,

WHY YOU SHOULD VOTE FOR AMENDMENT NO. 1
The "Home Rule Amendment"

THESE ORGANIZATIONS SUPPORT AMENDMENT NO. 1

Republican Party of Minnesota
Democratic-Farmer-Labor Party of Minnesota
Minnesota AFL-CIO Executive Council
Minnesota State Bar Association
Minnesota Junior Chamber of Commerce
League of Minnesota Municipalities
State Association of County Commissioners
Minnesota League of Women Voters
Citizens League of Minneapolis & Hennepin County
Minneapolis Area Chamber of Commerce

AMENDMENT NO. 1 IS IMPORTANT TO YOU - BECAUSE:

1. It revises obsolete sections in the state constitution.

Amendment No. 1 revises and consolidates into a single article all sections in the state constitution pertaining to local government. Present provisions have been added intermittently over the past 50 years; hence, they are scattered, uncoordinated and often unworkable.

2. It strengthens home rule.

The amendment makes it easier for a local community to adopt and amend home rule charters. (Otherwise, a community is governed by the distant state legislature, which is less familiar with the community's problems and needs and thus less able to cope with them.)

3. It will eliminate the present illegal passage of "special laws."

The amendment requires the state legislature to name a city or village and get local consent before passing a special law pertaining to that one particular community.

4. It is the result of a ten-year effort.

Amendment No. 1 is the product of ten years of legislative effort and compromise and the culmination of many years of work by non-partisan groups interested in good government, such as the League of Women Voters of Minnesota and the League of Minnesota Municipalities. If the present amendment fails to pass, it is considered doubtful that Minnesota voters will have another such opportunity for years to come.

REMEMBER-----Voters who fail to vote on the amendment are counted as voting against it.

SUPPORT GOOD GOVERNMENT

VOTE FOR AMENDMENT NO. 1

(1958)

From: MINNESOTA STATE BAR ASSOCIATION
500 National Building
Minneapolis 2, Minnesota

For Immediate Release

PRESIDENT OF MINNESOTA STATE BAR ASSOCIATION
URGES VOTER APPROVAL OF HOME RULE AMENDMENT NO. 1

Luther M. Bang, President of the Minnesota State Bar Association, urged Minnesota citizens to vote "YES" on Home Rule Amendment No. 1 at the November 4 election.

"This important amendment to our state constitution will result in better government for Minnesota", he said. "It will encourage stronger local government in cities and villages, a more effective state legislature, and county governments of modern design."

Amendment No. 1 was unanimously approved by Minnesota lawyers at the June convention of the state Bar Association.

-end-

October 12, 1958

To the Editor
The Minneapolis Tribune

A late September Minnesota Poll showed in response to questions on Amendment #1 (home rule) that 36% planned to vote "yes," 21% to vote "no" and 43% were undecided.

It would be tragic if this same lack of knowledge of home rule Amendment #1 were to carry over to November 4th.

Amendment #1 provides Minnesota voters an opportunity to make their own local government decisions. It is the most important amendment affecting local government that has come to the people for decision since the state constitution was written in 1857.

Amendment #1 is the result of ten years of study, discussion and preparation. It was approved by an overwhelming majority of both houses of the Minnesota legislature. It has been approved by the Minnesota DFL and Republican parties. It was introduced by the League of Minnesota Municipalities. A long list of organizations have endorsed it, including the Minnesota Bar Association, the State Association of County Commissioners, and the steering committee of the Governor's Advisory Committee on Suburban Government.

The general objective of the amendment is to enable and to encourage local communities to govern themselves. It contains provisions designed to meet this objective: (1) clarification and simplification of law relating to the adoption, amendment or abolition of home rule charters by the voters of local communities (city, village, county, etc.), (2) provisions recognizing the right of the legislature to pass "special laws" applicable to specific communities but requiring (a) that the legislation name the communities and (b) that it be approved by either the local government or the voters of the community concerned, except that any question of consolidation of local governments must be approved by the voters of each unit of government affected.

These provisions would promote home rule by encouraging the people of each community to solve their own local problems rather than to burden the Minnesota legislature with an endless stream of bills of purely local concern. Home rule would be encouraged. "Special legislation" would be discouraged.

If you do not value your right of self government enough to vote on the question, or if you prefer "legislation without representation," failure to vote or a "no" vote will have the same negative effect. But if you want to strengthen your right to govern local affairs, vote "yes" for Amendment #1.

Stanley K. Platt, Chairman
Forms and Structure of Government
Committee
Citizens League of Minneapolis and
Hennepin County

[1958]

To the Editor:

Candidates for Minnesota and federal offices have only a few days left before November 4th. An opportunity exists to demonstrate a genuine interest in local government, the level of government which is closest to the everyday lives of all of us.

Late in September, the Minnesota Poll asked individuals to read the wording of Amendment #1 (home rule) as it will be stated on the ballot November 4th. Of those questioned, 36% said they planned to vote "yes," 21% "no" and 43% were undecided. These figures reveal a woeful lack of information concerning Amendment #1 which could do more to bring responsibility and home rule to local government than any legislation or amendment since the Minnesota constitution was first written.

Amendment #1 will encourage home rule and discourage "special legislation" on matters of purely local concern.

Amendment #2 would increase the terms of Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General from two to four years.

Amendment #3 would permit a legislator to be elected or appointed to another office provided he resigns his legislative office when he assumes the new office.

No candidate need fear speaking up for all three of these amendments because all three have been endorsed by both the Minnesota DFL and Republican parties. All three were first approved by large majorities of both houses of the Minnesota legislature. They have since been endorsed by a long list of civic, educational and political organizations. No organized and active opposition is now known to exist.

Inertia is the No. 1 enemy of the amendments because failure to vote on the amendments by those voting at the November election is the same as voting "no." History shows that about 18-20% of those voting at an election fail to vote on amendments. This means that over 62% approval by those voting on amendments is required for passage. Here is the challenge to the sincerity and leadership of the candidates: Will they rise to the need for public information and interest in the three amendments by speaking out for them and rousing the voters to vote "yes" for all three amendments on November 4th?

Further detailed information on the three amendments can be obtained by writing to Information Committee on Constitutional Amendments 1, 2, and 3; 605 Syndicate Building, Minneapolis 2, Minnesota.

INFORMATION COMMITTEE ON CONSTITUTIONAL AMENDMENTS 1, 2, 3

605 Syndicate Building
Minneapolis 2, Minnesota
FEDERAL 6-8788

October 15, 1958

A REQUEST FOR PUBLIC SERVICE TIME FOR SPOT ANNOUNCEMENTS
URGING CITIZENS TO "INFORM THEMSELVES AND VOTE" ON THE
3 CONSTITUTIONAL AMENDMENTS ON NOVEMBER 4,

Dear Sir:

Three important amendments to the Minnesota state constitution are being presented to Minnesota voters on November 4. These amendments are non-partisan "government reform" measures, approved by both business and labor, both political parties, and many other important groups interested in good government.

In the Minneapolis Sunday Tribune October 12, the Minnesota Poll reported that only 6% of the people most likely to vote know about Amendment No. 1. This amendment, in particular, is a result of ten years of effort in the legislature and is considered by many to be the most important amendment coming before the voters in the past 30 years.

The amendments will not have a chance unless concerted effort is made to convey their importance to Minnesota citizens. This is especially true because people who go to the polls but do not vote on amendments are counted as voting against them.

We urge you to join with many other radio and television stations in the state who are cooperating in giving public service time for spot announcements urging citizens to "inform themselves and vote". We are enclosing some sample spot announcements for your convenience.

Would you kindly let us hear from you as to whether you are able to cooperate on this.

Thank you for your help and for an immediate reply.

Mrs. Louis R. Smerling
Executive Secretary

SUGGESTED SPOT ANNOUNCEMENTS
URGING CITIZENS TO "INFORM THEMSELVES AND VOTE" ON THE
3 CONSTITUTIONAL AMENDMENTS ON NOVEMBER 4

3 Amendments to our state constitution will be on your ballot
November 4. Remember -- failure to vote on amendments is counted as a vote
against them. So -- inform yourself and vote. (31 words)

* * *

Minnesota voters will consider 3 important amendments to our state
constitution at the polls November 4. Remember -- an unmarked ballot counts
as a vote against an amendment. So inform yourself -- and vote.
(32 words)

* * *

Informed voters mean better government. Inform yourself and vote
on the 3 proposed amendments to our state constitution on November 4.
Remember -- a blank ballot is counted as a "NO" vote. (31 words)

* * *

Minnesota voters will consider three amendments to our state consti-
tution on November 4. Amendment No. 1 strengthens home rule in local
communities. Amendment No. 2 increases the term of top state officials from
2 to 4 years, commencing in 1963. Amendment No. 3 enables legislators to
run for other offices while they are members of the legislature.
Inform yourself and vote. (61 words)

(1958)

Information Committee on Constitutional
Amendments #1, 2, & 3
Mrs. Louis Smerling, Exec. Secretary
605 Syndicate Building, Minneapolis

FOR RELEASE WEEK OF OCTOBER 20

CENTENNIAL LEADER LAUDS LEGISLATION

Peter S. Popovich, Minnesota State Representative and Chairman of the Centennial Commission, today praised the proposed state constitutional Amendments 1, 2, and 3, as providing "an exceptional opportunity for the people of Minnesota to take a giant forward step in better state government... a fitting climax to the year's Centennial celebration, and a strong indication that the next 100 years in Minnesota will be even better than the first."

As a chief author of Amendment #1 in the House of Representatives, Popovich made special reference to the amendment's provisions for "far more effective local participation in government." He added, "This amendment has been rightly called 'The Home Rule Amendment' since it places the responsibility for local government decisions where it belongs -- in the local community. It facilitates the adoption and amending of home rule charters, and requires special laws passed by the legislature name the particular community affected by the law, and, as a general rule, that they be approved by the voters of the community or by the local government before they take effect." Mr. Popovich alluded to the unanimous vote favoring the Home Rule Amendment #1 in both the Senate and the House as "indicative of the lawmakers' approval,

(More...)

ADD CENTENNIAL LEADER

and appreciation of the need for this legislation."

He spoke of the non-partisan nature of all three amendments, pointing out their endorsement by the DFL and Republican Parties, the Minnesota AFL-CIO, and many other state organizations.

Rep. Popovich also urged voters to inform themselves with regard to the provisions of Amendments 2 and 3; specifically, "increased efficiency in state government administration, and greater opportunities to elect candidates qualified by experience in office." Concluding his statement with a reminder that failure to vote means a vote against the amendments, Popovich urged a strong 'YES' vote on November 4th.

(NOTE: Picture shows Popovich signing statement.)

[1958]

Information Committee Amendment #1, 2, 3
Mrs. Louis Smerling, Executive Secretary
605 Syndicate Building

SUNDAY, OCT. 19
FOR RELEASE MONDAY, OCT. 20

THYE, McCARTHY UNITE IN SUPPORT OF STATE CONSTITUTIONAL AMENDMENTS

Senator Edward J. Thye and Representative Eugene J. McCarthy, opposing candidates for the United States Senate, today issued the following joint statement in support of the proposed state constitutional amendments to be voted on November 4th.

"As members of Congress, our prime concern is with national legislation. However, we wish to take this opportunity to call to the attention of Minnesota voters the three proposed amendments to the state constitution which will appear on the ballot November 4th. We consider the passage of these amendments to be vital to better government in Minnesota."

The Congressmen cited "stronger local government protection and participation through a more workable Home Rule process, more efficiency and economy in administration of state government, and a larger selection of qualified candidates" as highlight advantages of the amendments.

Thye and McCarthy declared they were "pleased that the three non-partisan amendments have been endorsed by the Republican and DFL Parties, the Minnesota AFL-CIO, and many other state organizations, and that

(more....)

ADD THYE, McCARTHY SUPPORT

representatives of all of these organizations have joined forces in conducting a strong state-wide campaign to inform the voters and assure passage of the amendments. "We sincerely hope," they continued, "that every Minnesota voter will personally join in this campaign by informing himself and his associates. It is important to realize that failure to vote on the amendments will count as a vote against them."

The two Congressmen concluded their statement by declaring that "better government in Minnesota demands a strong 'YES' vote for state constitutional Amendments 1, 2, and 3 on November 4th."

-30-

(NOTE: Picture shows McCarthy and Thye signing statement.)

(FOR NEWS RELEASE AS A STATEMENT FROM A PERSON OR ORGANIZATION - OR "LETTER TO EDITOR")
(for use in any paper except St. Paul Dispatch or Pioneer Press, where already scheduled)

Very rarely are the people of Minnesota given the opportunity to vote for better government, where their approval:

- (1) WILL NOT raise their taxes
- (2) WILL NOT cost a lot of money
- (3) WILL make for BETTER government.

Tuesday, November 4, we voters have such an opportunity, by voting "YES" on State Constitutional Amendment #1 (the Home Rule amendment).

Ten years of great bi-partisan effort will be culminated by the presentation for our approval of this State Constitutional Amendment.

What this amendment does is to:

(1) End the confusion of special legislation -- Today, on the statute books, there are thousands of uncodified and even unknown special laws, dealing with problems that should rightly be decided on a local level.

(2) Strengthen home rule -- It is necessary to increase the responsibilities of local government and at the same time prohibit the passage of laws by the Legislature affecting a particular community, without their approval.

(3) Increase Legislative efficiency -- It is necessary in these times of great complexity to cut down the time the Legislature is now required to spend considering special laws. It must be given more time within the 90-day limit during which it meets every other year, to consider problems of mental health, education, business and farm prosperity, union democracy, unemployment and workmen's compensation, etc.

State Constitutional Amendment #1 has gained the support of such widely diversified groups as:

- (1) The Minnesota A.F.L.-C.I.O.
- (2) The Minneapolis Area Chamber of Commerce
- (3) The D.F.L. and Republican parties of Minnesota
- (4) The Minnesota Junior Chamber of Commerce
- (5) The St. Paul Trades and Labor Assembly
- (6) The St. Paul Junior Chamber of Commerce
- (7) The Minnesota League of Women Voters
- (8) The League of Minnesota Municipalities
- (9) The Minnesota Association of County Commissioners
- (10) The Minnesota State Bar Association

A vote "YES" for State Constitutional Amendment #1 is important if we citizens, as taxpayers, want to cut away some of the red tape that sometimes makes government so expensive.

A vote "YES" for State Constitutional Amendment #1 will bring a real sense of sanity to the confusion of special legislation.

A vote "YES" for State Constitutional Amendment #1 means a multitude of things that make for more responsive and thus better local government and for more efficiency in government both state and local.

We urge all citizens, regardless of partisan affiliation, to vote on State Constitutional Amendment #1 — and to vote "YES".

[1958]

(SAMPLE NEWS RELEASE)

_____, through its Board of Directors, is pleased to lend its support in urging the citizens of Minnesota to vote on Constitutional Amendment #1, the Home Rule Amendment, and further to urge them to vote "YES".

In doing so we join with such organizations as the Minneapolis Area Chamber of Commerce, the Minnesota Junior Chamber of Commerce, the Minnesota State Bar Association, the State Association of County Commissioners, the League of Women Voters, the League of Minnesota Municipalities, the state Republican and D.F.L. parties, and the numerous other state-wide organizations representing the views of many people working for good government.

Such support represents the favorable opinion of many specialists on constitutional laws, the consideration of the common good regardless of party affiliations, the approval of organized labor, the major political parties, the support of progressive businessmen, metropolitan, suburban and municipal interests.

We support Constitutional Amendment #1 and urge the people of Minnesota to vote "YES" because:

(1) This amendment represents 10 years of intensive effort and the culmination of many years of work by groups interested in good government.

(2) This amendment will strengthen home rule and make it easier for a local community to manage its own affairs rather than being governed by the State Legislature by the passage of special laws.

(3) This amendment codifies, revises and consolidates into a single article all sections of the state constitution pertaining to local government.

As _____ of the _____, which through its Board of Directors has concurred in supporting passage of Amendment #1, I strongly urge the citizens of Minnesota to vote -- and to vote "YES" on Amendment #1. By voting "YES", the citizens of Minnesota will advance the cause of good government many years.

(Signed) _____

[1958]

To the Editor:

My attention has been called to a recent poll in Minnesota regarding proposed Amendment #1 to the Minnesota Constitution, which is to be voted upon on November 4. 43% of those polled were undecided as to how they would vote on this Amendment, 36% planned to vote "Yes", and 21% to vote "No".

It is apparent that if this is a true reflection of voter opinion, Amendment #1 will be lost, either through lack of knowledge, indecision or apathy.

The proposed amendment is both important and desirable. It is the so-called "Home Rule Amendment". Its objective is to encourage and provide the machinery for local communities to govern themselves more efficiently, by enabling them to adopt home rule charters or to amend such charters already in effect. It will also enable the legislature to enact laws for specific communities, which in turn would have to be approved either by referendum in the community or by the local government, except that any question of consolidation of local government must be approved by the voters of each unit of government affected.

The result of these provisions would be that the people of each community could solve their own local problems, rather than having to go to the legislature with bills of purely local concern. Thus, home rule would be encouraged and "special legislation" discouraged.

The amendment was approved by a nearly unanimous vote of all Minnesota lawyers at the June convention of the Minnesota State Bar Association. It has the approval of labor groups and of both political parties. It has the approval of the League of Women Voters, the League of Minnesota Municipalities, the State Association of County Commissioners, and the Steering Committee of the Governor's Advisory Committee on Suburban Government.

From the foregoing it will be seen that even though the amendment is approved by all major groups, it could nevertheless be lost, through lack of knowledge, indecision or apathy. A failure to vote will have the same negative effect as a vote "No". No voter can be neutral on constitutional amendments.

I therefore wish to urge you voters to vote "Yes" on Amendment No. 1.

Amendments 2 and 3 are relatively simple and should also be passed, but the adoption of No. 1 is an urgent need because it promises so much to so many communities in the way of local rule. Vote "YES" on all three amendments.

EMERGENCY NOTICE

October 20, 1958

TO: County Chairmen and Vice Chairmen

FROM: Mrs. Louis Smerling, Executive Secretary
Information Committee on Constitutional Amendments 1, 2, 3
605 Syndicate Building - Minneapolis 2, Minnesota

The Minnesota Poll reported in the Sunday, October 12, MINNEAPOLIS TRIBUNE shows only 6% of Minnesota voters profess to know the provisions of Amendment No. 1. It further indicated 21% plan to vote against the amendment.

Despite the fact that this "government reform" amendment -- considered by many to be the most important amendment to come before voters in 30 years -- is non-partisan, non-controversial, and has received almost universal support by informed groups, the voters may still defeat it.

With only two weeks left we urge you to employ every means possible in your community to publicize these facts.

Ask your editors to push hard for this amendment. Stress that failure to vote counts as votes against amendments; therefore, it is imperative to give voters the confidence to mark their ballots on this amendment.

Try to place an ad in your local papers urging a "YES" vote. List the organizations for it in your ad -- go to these organizations (listed in enclosed brochure) and ask them to pay for the ad (costs are from \$3.00 and up).

Ask your radio and TV news directors to boost the amendment with public-service spots (or at least to urge people to inform themselves and vote).

Get local signatures on the enclosed sample "Letter to the Editor" or news release and mail it in to your newspaper.

Your efforts will mean the success or failure of this important legislation which has been 10 years in the making -- an amendment which will mark a great step forward in better government throughout our state.

Please help! What you do in the next two weeks can stem the tide!

1968

SAMPLE LETTER TO THE EDITOR (It can be used as a news release by using the alternative opening)

The _____ wishes to call the attention of all Minnesota citizens to the three constitutional amendments which will appear on the ballot November 4. They are designed to improve both state and municipal government.

(Alternative: The three constitutional amendments which will appear on the ballot November 4 deserve the attention of all citizens of Minnesota because they are designed to improve both state and municipal government.)

The Home Rule Amendment (No. 1) makes it possible for more communities to use their home rule powers in adopting and amending charters. It will also require special laws which apply to only one community to name the community and give the local governing body or the voters a chance to approve of the law before it goes into effect. The Home Rule Amendment is the result of 10 years of effort by the League of Minnesota Municipalities to improve the constitutional provisions for local government and is endorsed by many outstanding groups, such as the State Bar Association, the League of Women Voters, the DFL and Republican parties, the State Junior Chamber of Commerce, the State AFL-CIO, and the State Association of County Commissioners.

The Longer-term Amendment (No. 2) increases the terms of the governor and other state executive officers from two to four years, starting with the election of 1962. This will reduce the time spent on campaigning and make possible the more satisfactory development of administrative policies.

Amendment No. 3 allows a state legislator to be elected or appointed to other offices, provided he resigns his legislative position when he assumes the new office.

It is important for the voters to remember that failure to vote on the amendments counts as a "NO" vote. The _____ urges every voter to inform himself and vote on the three amendments November 4.

For Immediate Release

TO THE EDITOR:

Too many voters appear to be unaware of the three important amendments to the Minnesota constitution which are to be voted upon November 4th. Amendments Two and Three are relatively simple and understandable. Amendment No. One is a more comprehensive proposal which should receive more attention. This is the "Home Rule Amendment." Its purpose is to remove the defects which have been interfering with the full use of this means of reforming local government.

Urging its support are the League of Minnesota Municipalities and the State Association of County Commissioners, representing the public bodies most affected by its adoption. The amendment has also been approved by both political parties, the Minnesota AFL-CIO, the Minnesota League of Women Voters, Minnesota Junior Chamber of Commerce, and other groups interested in political reform. Voters who desire to obtain more detailed information may write to the Information Committee on Amendments 1, 2, 3; 605 Syndicate Building, Minneapolis 2, Minnesota.

The important fact is that no voter can be neutral on constitutional amendments, since a failure to vote is a NO vote. It is our hope that all voters will be sufficiently informed to cast a favorable vote in November.

(Signed)

FOR IMMEDIATE RELEASE

For the "Letters to the Editor" Column

To the Editor:

All citizens of the state should be aware of the importance of voting on the constitutional amendments in the general election, November 4th. FAILURE to vote on these important measures constitutes a NO vote.

Amendment #1 is one of the most important amendments that the people of the state have ever had an opportunity to vote on. Citizens should look to the reputable organizations who actively support this amendment and realize that a great deal of effort has gone into the securing of a bill that will benefit cities, towns and villages all over the state.

The League of Minnesota Municipalities, the State Association of County Commissioners, the state AFL-CIO, the State Bar Association, the Minnesota League of Women Voters, the Minnesota Junior Chamber of Commerce, the Minneapolis Chamber of Commerce, and both political parties lend their active support to this amendment.

We urge that all citizens inform themselves and vote on all three constitutional amendments. Remember, NO VOTE AT ALL IS THE SAME AS A "NO" VOTE!

(Signed)

(for "Letters to Editor" column)

TO THE EDITOR:

The 1957 Minnesota legislature passed by a heavy majority the three proposed amendments to the state constitution which will appear on the ballot November 4. These amendments are all concerned with government organization and procedures in Minnesota.

It is generally agreed that these amendments will make an important contribution to better government in our state.

Since many voters are still unfamiliar with the amendments, we would like to take this opportunity to point out the purpose of each.

Amendment No. 1 - The Home Rule Amendment - eliminates defects in the present constitution which hamper self-government by local communities.

Amendment No. 2 - Increases the terms of Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General, from two to four years, commencing in 1963. This reduces the time for campaigning, allowing more time for the job of administration. It also enables long-range planning and budgeting.

Amendment No. 3 - Permits a legislator to be elected or appointed to another office, provided he resigns his legislative office when he assumes the new office. This enables many qualified people to file who might otherwise not do so. It also treats legislators like other elected officials in Minnesota.

All three amendments are supported by both political parties and by many other state organizations interested in good government.

Since failure to vote on amendments is counted as a "NO" vote, we urge voters to inform themselves so they can vote "YES" on all three amendments on November 4.

(Signed)

[1958]
Information Committee Amendments 1, 2, & 3
Mrs. Louis Smerling, Executive Secretary
605 Syndicate Building, Minneapolis

FOR RELEASE WEEK OF OCTOBER 20

MINNESOTA CITIZENS URGED TO
SUPPORT ADS FOR AMENDMENT NO. 1

A statewide "Two for One" (Two dollars for Amendment No. 1) campaign, backed by the leading state groups supporting the Home Rule Amendment, was announced today by Mrs. Louis Smerling, Executive Secretary of the Information Committee on Constitutional Amendments 1, 2, 3.

"This campaign is an appeal," Mrs. Smerling said, "to all public-spirited citizens in our state to send in their names as endorsers of this important amendment to be announced in large newspaper ads before the election. Their two dollar contribution will help defray the cost of the ads."

Organizations behind the fund-raising campaign include the Minnesota League of Women Voters, the Minnesota Bar Association, the Citizens League of Minneapolis and Hennepin County, the League of Minnesota Municipalities, the State Association of County Commissioners, the Minnesota AFL-CIO, and other groups actively supporting the amendment.

Spearheading the campaign are Mrs. Stanley G. Peterson, Minneapolis, and Mrs. Kenneth Green, Roseville. Assisting are Mrs. C. John Berg and Mrs. Lester Strouse, Jr., for St. Paul, and Mr. James G. Nye, for Duluth.

Mrs. Smerling referred to the recent Minnesota Poll which indicated only 6% of potential voters are familiar with the Home Rule Amendment. It will be tragic, she said, if this non-partisan, government reform measure - considered by many

(More.....)

ADD MRS. SMERLING

the most important constitutional amendment to come before voters in 30 years - should fail to pass due to insufficient voter information. The amendment will give local communities, both rural and metropolitan, more control over their local governments.

"Our main concern is that voters failing to cast a vote on amendments are counted as voting against them. Hence, we are urging support of the 'Two for One' Campaign to help us bring these important facts to the attention of all citizens."

Checks should be made payable to the Information Committee on Constitutional Amendments 1,2,3 and sent to 605 Syndicate Building, Minneapolis 2, Minnesota, and should include an attached slip with the name and address of the sender.