



League of Women Voters of Minnesota Records

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REORGANIZATION OF LOCAL GOVERNMENTAL UNITS

By Mrs. W. B. Richards

All governmental units today are faced with a twofold problem:

- 1) They must, of necessity, reduce the costs of government to meet the diminished revenues available.
- 2) On the other hand, they must maintain the essential government services and in many cases take over new ones.

Both sides of this problem must be considered if there is to be any intelligent solution. Government officials must recognize the taxpayers' difficulties, while the hysterical tax slasher must likewise recognize those of government. The answer to the problem, no doubt, lies in the cooperation of the two in gaining efficient and economical administration based upon modern business methods in all units of government. To this end, we must have a better understanding and appreciation of the value of the service of government by the public in general. "The times are critical and it is important that we, as citizens of Minnesota, fully discuss the problem which confronts us and clarify and consolidate our ideas into a sound and consistent policy designed to achieve substantial and constructive economy in local government" which, after all, is the logical place for us to begin work because about 75 per cent of our tax money is spent by local units. Many remedies, both good and bad, will be proposed, and unless we are alert and able to pick out the good from the bad, we shall find ourselves in a much worse position in the future. Let us then think in terms of local government and its improvement this year. Perhaps this brief discussion will be of some value to you as League members. If so, the Efficiency in Government Department will be very happy.

There are at present 10,554 governmental units in Minnesota. They are divided in the following manner:

State	1
Counties	87
Cities	94
Villages	634
Townships	1,973
School Districts	<u>7,755</u>
Total	10,554

Besides these units, there are numerous other administrative, judicial, and drainage districts, as well as local park, welfare, and health boards. Someone has said that the "taxpayer is bound up like a mummy in layer upon layer of government." When we realize that every citizen in Minnesota is under four separate governmental units (the state, the county, the city, village or town, and the school district), we begin to believe the saying. Each of these units exists primarily to care for the general welfare of the citizens, and as this costs money, most of which can be raised only by taxation, we realize that it is indeed a problem of tremendous importance.

To carry on the work of the various units, officials are necessary. Most of these are elected for certain set terms of office. Usually they are not required to have any particular qualifications for their office and are, for the most part, independ-

ent of any other official while in office. There are many of these officials elected in Minnesota:

State	266
Counties	1,396
Cities	1,087
Villages	6,000 (estimated)
Towns	18,500 (estimated)
School Districts	25,000 (estimated)
Total	52,249

In addition to these elective officials there are approximately 51,249 appointive officials. This makes a total of over 103,664 officials and employees in Minnesota. Certainly with such a large number elected, it is practically impossible to have intelligent voting and naturally, it is the local units which suffer most. One of our first reforms along the line of reorganization would seem to be the shortening of the ballot. This could be done by abolishing many elective offices that do purely administrative work and making them appointive. Other offices could no doubt be combined in the interests of both efficiency and economy.

Another means by which we realize the magnitude of the task confronting us is to study the following table of the Tax Revenues in Minnesota in 1931. This table was compiled by William Anderson of the University of Minnesota. Of course, it is impossible to know the exact amount of money raised and spent by all government units in the state, but as the tax revenues probably constitute about 90 per cent of it, we can get a fair estimate.

State and Local Tax Revenues, 1931
From

	Real and Personal Property Taxes	Other Taxes	Total
State	\$14,777,168	\$29,978,205	\$44,755,373
Counties	22,918,336	4,144,356	27,062,692
Cities and Villages	33,452,489)	525,000*	41,427,505
Towns	7,450,016)		
School Districts	40,172,198	525,000*	40,697,198
Total	\$118,770,207	\$35,172,561	\$153,942,768

* Estimated

Any "business which has so many branches, renders so many services, employs so many people, and spends so much money" as our governmental units should be run by the most efficient and sound principles of business administration known. Such is not the case, however, in Minnesota.

Our present system of local government is antiquated and obsolete. It was not designed to meet modern conditions. It developed over 150 years ago when the principal functions of government were:

- 1) The protection of life and property
- 2) The administration of justice
- 3) The distribution of poor relief
- 4) The construction and repair of local roads
- 5) The operation of neighborhood schools

It was designed for a simple primitive society where means of communication were extremely difficult, and radios, automobiles, and aeroplanes unknown. Communities at that time were practically isolated from each other and had to be self-sufficient in order to exist. Population was entirely rural and very scattered.

These conditions have changed today. Government is no longer easy and simple to administer. The public has demanded that it take over new functions necessary to their well being. As railroads, automobiles, aeroplanes, radios, etc. have come into being, welding the farthest parts of the nation into a complex whole, governmental functions have had to keep pace. Such problems as health, sanitation, welfare, old age pensions, etc. have been the result of the change from the simple agricultural state to the complex industrial one of today. All these necessitate new machinery of government which is not suitable for small local areas. Yet these areas still exist though the reason for them may have long passed away. We have always held our local system of government as something sacred even though it does spend and waste much of our tax moneys. This is something which we must change. We must abolish those which have outlived their usefulness and reorganize those which are still of value. Otherwise, we shall no doubt lose them all.

Cities have gone far on their way to worth while reforms in the past few years. But the township and county governments still remain, for the most part, as someone has said "like a rotten apple; almost every place you touch it you find a soft spot". Here in the Middlewest, our townships are merely geographical units six miles square. They are the product of the surveyor's instruments and are not to be confused with the town government of New England which is a real unit of local self-government. Townships originally were needed to collect taxes and care for road and poor relief administration. But as our civilization has become more complex, these functions have been taken over by the county and the state because they can administer them much more efficiently and economically. Hence the need for township governments with their 18,500 elective officials is no longer a real one. We might profit by the abolition of the town as it exists in Minnesota.

The county, on the other hand, should not be abolished but should be studied with a view to reorganization along the lines of business methods and administration. It has developed from a simple unit of government into a business of gigantic proportions with little or no change in its organization. It is inefficient and wasteful. It has no head. Every state, city, school, or business has a chief executive to steer its course. The county has none. It is a government of diffused responsibilities, a patch work of independently elected boards and commissions and administrative officials with little or no check upon each other and responsible to no head. As a result, the county ballot is exceedingly long, too long for intelligent voting. Moreover, technical training is absolutely essential to administer the affairs of so huge a corporation as the county if they are to be administered well. We can no longer afford the services of an untrained amateur in government any more than business can afford to hire an untrained worker for an important position. The fact remains, however, that government has lagged far behind business in the application of the best methods of administration known. The fault lies with us. We have been indifferent, short sighted, and lazy in meeting the issues involved. Political machines in all units have been successful in keeping the old order unchanged.

The Depression has been good for us in this respect at least. With diminished incomes and higher taxes facing us, we realize that we must find some way to ease the burden. We must look into the expenditures of our local governmental units with a view to decreasing them. But we must go further. We must bring the light of public opinion to focus on existing evils so that they may be wiped out. We must change our assessment system to a more efficient one. We must see that all units work

under a budget of the executive type. We must have an adequate system of accounting, centralized purchasing, and last, but not least, salary standardization in government.

In this last respect, I should like to discuss the fee system as it exists in Minnesota today very briefly. Several county officials do not receive a salary but are paid solely in fees. This system was intended originally to take care of part-time officials who could do what little work was to be done. Today the system has become a pernicious one. Practically all the officers of the county receive fees for certain services. These fees are in addition to their regular salaries which, for the most part, are fixed by the Legislature. The last session of the Legislature, however, passed a law permitting the county boards of the various counties to fix the salaries of the county officials after January 1, 1935. This may help in abolishing the fee system. Today some officials receive as much and even more in fees as they do in salary. However, it is most difficult to determine the exact amount received. A study of the system in connection with the county survey would be most helpful and interesting.

Various methods of actual reorganization have been suggested. I shall only give you a brief outline of a few important ones.

1) Fewer units of local administration.

We should not have more than one governmental unit occupying the same territory. Counties could well be consolidated, which would mean much more efficient administration and much less expense to the taxpayer. Townships could be abolished. School districts could be consolidated with a tremendous amount of savings.

2) Assignment of functions to the unit best qualified to care for them.

A good example of this is the case of poor relief in the townships which have been unable to hire competent workers and hence have fallen down on the job. County system of poor relief is much more efficient. Likewise highways can be administered by the county and in many cases, by the state, more efficiently than by small local units. Trained workers can be hired by larger units while the smaller ones must get along with untrained ones. Property assessment can be done more effectively with a larger unit as the base.

3) Shortening of the ballot, particularly the county ballot.

Purely administrative officials should not be elected but appointed on the basis of merit and fitness.

4) Combining of offices in the interests of economy and efficiency.

For instance, the county auditor and treasurer duplicate work to a large extent. Other offices have similar duplications and could be combined. The power to do this could well be given to the county boards. More power should be given to the county boards in general. They should be allowed to adopt the county manager plan or some similar one that will make for greater efficiency.

5) Budgets for all local units should be insisted upon with plenty of publicity before and while the budget is being drawn up as well as close supervision over the execution of its provisions.

We do not know when or how reorganization of any unit will be effected, but we do know that we need thoughtful, studied, and careful consideration of the problem by all thinking men and women today. We must collect our facts, set up our standards, develop an intelligent public opinion so that we shall be ready to act whenever we are called upon to do so. May the League of Women Voters be ready to lead in the undertaking is the earnest wish of your Efficiency in Government Department.

League of Minnesota Municipalities

Member: American Municipal Association

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Mayor, New Ulm
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W. A. STICKLEY, JR., City Clerk
White Bear Lake

October 5, 1938

Miss Ruth H. Mitchell, President
Minnesota League of Women Voters
914 Marquette Ave.
Minneapolis, Minn.

Dear Miss Mitchell:

As a group interested in public affairs your association may wish to publicize the purposes of Amendment No. 2 which will be submitted to the voters at the general election November 8.

The amendment was proposed in the name of efficiency and economy in local government, both principles in which your members are undoubtedly interested. Since failure to mark the ballot will be counted as a negative vote, it is necessary to do a little educational work regarding the importance of the question.

Some reprints from our magazine Minnesota Municipalities are enclosed giving more information on the amendment. If you should desire additional copies, we shall be glad to provide them. Please feel free to quote from the article, if you care to, for a note in your own bulletin.

Yours very truly,

C. C. Ludwig
C. C. Ludwig
Executive Secretary

VJ:hg

Constitutional Amendment No. 2 Needed by Home Rule Charter Cities

By C. C. Ludwig, Executive Secretary
League of Minnesota Municipalities

ON NOVEMBER 8 the voters of Minnesota are requested to approve constitutional amendment No. 2, changing the publication requirement for city charter amendments. This change is desired and needed by the seventy-two home-rule charter cities of the state. It was unanimously endorsed by the League of Minnesota Municipalities in its legislative conference of 1937 and again in its annual convention of 1938. It was approved and submitted by the 1937 legislature through the adoption of Chapter 493. This was carried by a vote of 79 to 5 in the House and a unanimous vote in the Senate.

The resolution passed at the League convention held at International Falls last June read as follows:

"Resolved, that the League commend the Legislature for submitting to the voters at the November, 1938, general election, the proposed constitutional amendment changing the publication requirements for home rule charter amendments from thirty daily publications to four weekly insertions; and that the League and all municipal officials be urged to do all in their power to educate the voters on the need for the amendment."

THE PRESENT LAW AND PROPOSED CHANGE

Section 36, Article 4 of the Constitution now provides for two different standards with respect to official publicity for home rule charter proposals. For entirely new charters, there is no publication requirement. Charter amendments, however, must be published in three newspapers of general circulation in the city for thirty days prior to the election. Amendment No. 2 would change this to require a publication for at least "one day for four successive weeks in any daily newspaper of general circulation in such city or village, or if there be no daily newspaper of general circulation in such city or village then for four successive weeks in a weekly newspaper of general circulation in such city or village."

This means the publication needs to be in only one newspaper instead of three (probably the official newspaper). If there is a daily, it means the daily must be preferred but the number of insertions needs to be only four instead of thirty.

Of the 72 cities now operating in Minnesota under home rule charters, only five have as many as three local papers; all the rest have fewer than three and two have no newspapers at all. Nineteen of the home rule charter cities have daily papers and these are the ones chiefly affected by the amendment.

WHY THE PROPOSED CHANGE

The reasons for the proposed change are as follows:

First, to secure some consistency in the official publication requirements. Where these are left to the legislature, account may be taken of variable conditions, and alternatives may be provided. The single, arbitrary rule for charter amendments at present in the constitution is inflexible as well as excessive. In fact, strict compliance is impossible in many instances (where there are less than three papers available). Outside papers cannot legally qualify as having general circulation in a municipality unless 25 per cent or more of its news space is devoted to local news of interest to that community. Moreover, there is no conceivable justification for the discrepancy between the "no publication" rule for new charters, and the "thirty days in three newspapers" rule for amendments. Four publications in one daily, or in one weekly if there is no daily, during the month prior to election should be sufficient official advertising of the amendments. The fate of amendments depends more upon the news and editorial discussions and the many other forms of publicity and civic education which are available and used for this purpose.

Second, to reduce the cost of publishing each amendment. The present cost is excessive, not so much because of the rate per folio or per insertion, as because of the large number of insertions required, particularly in cities where there are dailies.

Third, to encourage more frequent amendments by eliminating the handicap of cost. Many of our home rule charters have had very few or, in some instances, no amendments since the original adoption. Councils and charter commissions have been discouraged by the cost. As an alternative, they are tempted to meet their problems and adjust their local governments to changing conditions by "going to the legislature." Special legislation for municipalities is expressly forbidden by the Constitution, but many laws have been passed which are special in application and objective although general in form.

It is the basic theory of our system of city government in Minnesota that special legislation should be minimized and the citizens of the local communities should have considerable local option to adopt and change their own charters. Home rule cannot be the living, growing and changing expression of local self-government unless charter changes are reasonably easy to adopt. The people should be encouraged in experimenting with, and adjusting their char-

ters and a reasonable publication requirement should be permitted.

CITIZENS MUST WORK FOR AMENDMENT No. 2

No special interest group is in the field to push this amendment. If it succeeds in securing the favorable vote of a majority of all those voting at the election on November 8, it will be because the citizens and tax payers throughout the state have become aware of the vital stake they have in charter home rule. City officials, tax payer organizations, civic clubs, chambers of commerce, labor and professional organizations, and other leaders of public opinion should help educate the electorate on Amendment No. 2 and urge their support of it. It looks unimportant on its face, but it has real implications for the improvement of city government in Minnesota. It should be emphasized that the amendment, to be ratified, must have a majority of all votes cast at the general election. Because of this voting rule, amending the constitution is very difficult. Every voter who leaves a blank or fails to vote on the amendment is in effect voting "no". In 1924 a similar constitutional amendment failed because it did not receive a majority of those voting at the election although it was approved by a majority of those voting on the question.

AMENDMENT ONE

TO THE
CONSTITUTION
OF THE
STATE OF MINNESOTA

A NON-PARTISAN MEASURE
ON WHICH ALL MINNESOTANS
SHOULD VOTE IN NOVEMBER

AUTHORIZES EXCHANGE OF
PUBLIC LANDS OF STATE
FOR LANDS OF THE
UNITED STATES AND
PRIVATELY OWNED LANDS

PROVISIONS OF AMENDMENT

TRUST FUND LANDS

Lands acquired by the State through exchange shall be subject to the same trust provisions to which the lands exchanged therefore were subject.

MINERAL AND WATER POWER RIGHTS

The State shall reserve all mineral and water power rights in lands transferred by the State.

EXCHANGE VOLUNTARY

This amendment in no way compels anyone to exchange his land with the State. The amendment only makes it legal for the State to enter into exchanges after the bargaining parties have reached an agreement.

AMENDMENT ALREADY ENDORSED BY:

Minn. Senate - 1931-33-35-37
Minn. Representatives - 1931-33-35-37
Minn. Governors - Theodore Christian-
son, Floyd Olson, Elmer Benson
Legislative Interim Comm. on Forestry,
1937-1938
Minnesota Farmer-Labor Association
Saturday Lunch Club of Minneapolis
Society of American Foresters
Minnesota Federated Women's Clubs
State Conservation Department
Minnesota Youth Assembly
Tri-State Forestry Conference

OPERATION OF AMENDMENT

BASIS OF EXCHANGE

Lands exchanged shall be on a basis of dollar for dollar. For every dollar's worth of State land exchanged the State will receive a dollar's worth of Federal or privately owned land. Valuations will be based on field examinations by trained appraisers.

APPROVAL OF EXCHANGES

Exchanges of public lands of the State may be made for lands of the United States or privately owned lands only with the unanimous approval of the commission consisting of the Governor, the Attorney General, and the State Auditor.

BENEFITS OF EXCHANGE

It will enable the State to consolidate its holdings in State forests, parks, and game refuges in all parts of the State, resulting in cheaper fire protection and lower cost of administration. It will enable the state to cooperate with scattered settlers who may wish to relocate on better lands closer to schools and neighbors.

COOPERATION OF FEDERAL GOVERNMENT

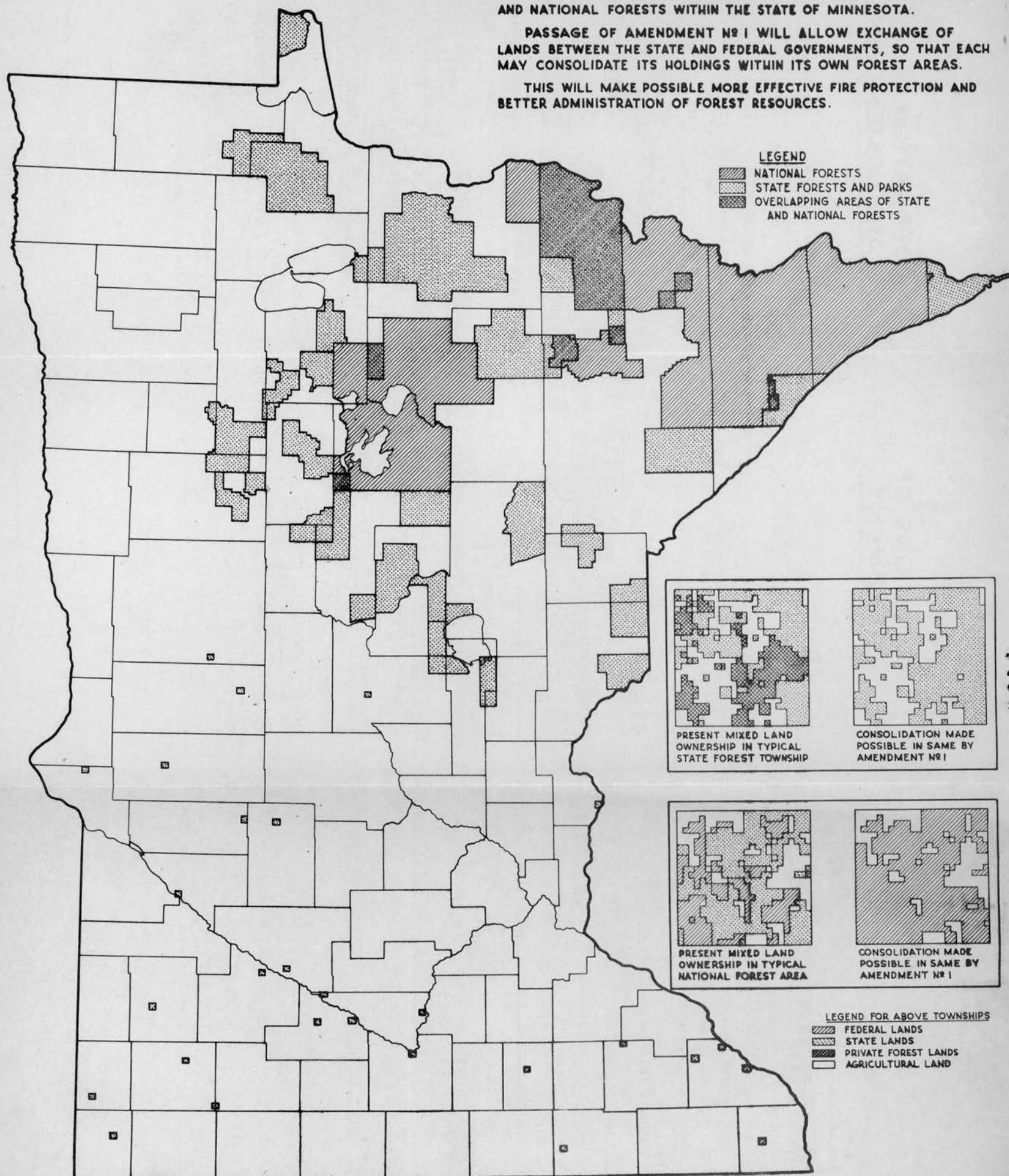
It will help the State to consolidate holdings in State forests. By establishing desired purchase units the Government can buy land in the areas where the State wishes to establish State forests, parks or game refuges. The Government then will exchange this land for other State-owned lands located in National forests.

Item 7675

THIS MAP SHOWS THE LOCATION OF STATE FORESTS AND PARKS AND NATIONAL FORESTS WITHIN THE STATE OF MINNESOTA.

PASSAGE OF AMENDMENT Nº 1 WILL ALLOW EXCHANGE OF LANDS BETWEEN THE STATE AND FEDERAL GOVERNMENTS, SO THAT EACH MAY CONSOLIDATE ITS HOLDINGS WITHIN ITS OWN FOREST AREAS.

THIS WILL MAKE POSSIBLE MORE EFFECTIVE FIRE PROTECTION AND BETTER ADMINISTRATION OF FOREST RESOURCES.



lic schools. As to highways, the state began in 1919 to provide for reimbursing counties for moneys expended by them in connection with the new trunk highway system, and since 1928 one-third of the proceeds of the gasoline tax has been paid to counties for county and other roads. Entirely apart from the social security program, the state has made direct contributions to public relief. It has, also, provided many incidental aids for a great variety of public purposes that need not be listed here. By certain direct grants to counties for general operating purposes, it has shown its intention to keep local governments going where their local revenues were insufficient for that purpose.

Whether these new and increased state aids have been sufficient is a question that can not be answered. It would appear that the cities and villages have a fairly reasonable claim to a share of the gas tax, along with the counties which represent the rural areas. School aids have at no time been paid in full in accordance with the standard set by law, although they have increased in total amount between the beginning and end of the twenty-five year period.

Conclusion

In the foregoing summary of Minnesota legislation with respect to local governments for the period 1915-1939, an attempt has been made to show general trends without going into details. No particular legislative acts have been cited and even the dates of enactment of important laws have in many cases been omitted. The problem that remains is one of evaluation. Have the rights of local self-government of local communities in Minnesota been increased or de-

creased in the past twenty-five years? The answer to this question cannot be stated as a scientifically demonstrable trend. Much depends on what one considers important. The general conclusion of the author is that the actual amount of state supervision and state control over local units in Minnesota has increased very little in the past twenty-five years, and that little has not been seriously, if at all, detrimental to local self-government. The Legislature has shown that it is a representative of local interest as well as of state interests. It has been very slow to coerce local governments into doing things they do not want to do, or even into changing their methods of work. It has enacted numerous laws permitting them to expand their functions and to exercise new powers, and it has passed legislation requiring or permitting better business practices. Even with respect to the latter group of laws, it has not gone nearly as far as the legislatures in certain other states.

The most serious factor in the whole situation is the financial one. The breakdown of the sources of revenue of local governments that accompanied the general breakdown of the property tax and special assessments has forced local communities more and more into dependence upon the state for revenues. New sources of revenue that could be administered locally have not been discovered or have not been authorized in sufficient amount to make local units financially self-sufficient. Should the present dependency of local governments upon the state for large and perhaps increasing amounts of revenue be continued, what will happen to local self-government in the future? This is a question that surely can not be answered now.

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Legislative Changes in State-Local Relations in Minnesota, 1915-1939

By William Anderson, Professor of Political Science,
University of Minnesota
With the Assistance of Ira Polley

The following study of legislative changes in state-local relations in Minnesota is offered as a contribution to the study of local self-government and municipal home rule in the United States. It arose in part out of an interest expressed by the American Municipal Association in having studies made of municipal home rule. The Association provided funds for the employment of Ira Polley during the summer of 1940. He made a careful analysis of all legislation affecting local governments in Minnesota over the period of twenty-five years beginning with the 1915 legislative session and closing with that of 1939. His reports covered this body of legislation in great detail, and he also prepared brief summaries, one for each general class of local government units. This body of material provides the basis for the report that follows.

Professor Anderson, having studied local government in Minnesota over a long period of time, supplemented the data supplied by Mr. Polley in a number of ways and prepared this report.

In order to provide a setting for this study of a single phase of state-local relations in a single state, it seemed desirable first of all to outline some of the problems for research in local self-government and municipal home rule. Following this preface there is a brief statement on these broad aspects of the problem. It will be clear to the reader that all phases of state and local relations in Minnesota during the period covered have not been analyzed in this report. The work of the courts and their many decisions; the activities and orders of state administrative agencies; the trends in the attitudes of voters toward local self-government and a number of other aspects of the problem are not included. This study must be accepted, therefore, as simply summarizing a rather intensive analysis of one phase of the problem, and that in a single state. It is not contended that Minnesota is a typical state. It is still largely rural and agricultural, although it has an increasing urban population, one large metropolitan center, and a considerable industrial and mining development.

I. Problems for Research in Local Self-Government and Municipal Home Rule

THE CURRENT deep concern over the future of popular government arises not only from the destruction of democracies at the hands of militaristic dictators abroad, but also from internal causes that are less spectacular and yet may be equally dangerous to democratic institutions. Among the symptoms of disorder in popular government in the United States are: (a) the seeming indifference of many voters to public affairs; (b) the struggle of special interests to control government and government policy for their own selfish ends; (c) the apparent development of class cleavages; (d) the resurgence of intolerance, both racial and religious; (e) the difficulties experienced by governments in attempting to decrease unemployment and to balance the budget; and (f) certain visible but probably over-emphasized

defects in governmental organization and procedures.

Other factors could undoubtedly be mentioned, and one of these calls for particular attention. This is the genuine concern of many persons over the apparent tendency toward centralization of governmental functions, and the apparent loss of local self-government by units of government below the state level, as well as by the states themselves.

In the thinking of many persons, local self-government is an indispensable element in the organization and operation of democracy. One could quote to this effect from Thomas Jefferson, James Bryce, Herbert Spencer, David Starr Jordan, and many others, but it is perhaps enough to take a quotation from the work on *Democracy in America* by Alexis de Tocqueville:

"Local assemblies of citizens constitute the strength of free nations. Municipal institutions are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty."

It was primarily during the nineteenth century, when the great national states were approaching the peak of their development, that the ideas of local self-government were developed. It may be said, too, that it was mainly among the English speaking peoples and to a smaller extent among the Scandinavian and French speaking peoples of Western Europe that local self-government came to be highly prized. What is the meaning of local self-government? What is the meaning of municipal home rule? Various definitions of these terms are undoubtedly possible, but to the English speaking peoples generally, the term "local self-government" has the following content: (a) that the people have a right to be organized for government in units such as counties, cities, and so forth, that are smaller than the state and that at least approach a size small enough so that the people may know each other and understand the general affairs of the community; (b) that a definite list of public functions or services shall be recognized by law as being primarily of local interest, and as belonging of right to the local units of government; (c) that the right to decide local policies in regard to these functions shall belong to the local people, and shall be exercised by the voters, meaning at least the great bulk of the adult male citizens, either directly through the initiative and referendum or indirectly through the local officers that the voters elect; (d) that the administration of these services and the carrying out of the local policies with respect to them, shall also belong to the local communities concerned and that the performance of the services shall be through local officers responsible to the people locally or shall be carried on by the people themselves.

These elements in the right of local self-government necessarily imply the right of the voters in their various local units of government to elect without interference, freely, and at regular intervals, the officers of local units of government. They imply, also, necessarily the rights of freedom of speech, press, and assemblage for the discussion of local affairs.

"Municipal home rule" is definable both in a broad and in a more limited sense. In the broad sense, municipal home rule is local self-government as applied to cities and other incorporated places. Such places are, of course, essentially urban rather than rural in their characteristics. There is, however, another kind of municipal home rule that is more correctly called "constitutional municipal home rule." This is the right conferred on cities by the constitutions of certain states to frame, to adopt, and to amend their local charters. Municipal home rule in the broad sense includes the power to make ordinances, and thus to decide policies on local matters in conformity with the city charter. Municipal home rule in the constitutional sense implies the power to make and change the charter itself.

IS LOCAL SELF-GOVERNMENT BEING UNDERMINED?

Anyone who proceeds to make a study in order to determine whether local self-government is being undermined or worn out needs to observe a number of things and to balance a variety of factors against each other. Broadly speaking there are in operation two sets of causes that affect local self-government. The first group of factors consists of changing social and economic conditions, and these are, at least, to some extent beyond control. The increasing size of cities certainly makes self-government more difficult. The increase of functions demanded by a people with a rising standard of living imposes burdens that make necessary important changes in the organization and administration of local units. Self-service by individual citizens under the ancient obligation of every man to serve the public becomes less and less possible not only because private employment demands a person's full time and attention, but also because only through specialization can a sufficiently high standard of service be obtained. Thus, self-government in the old fashioned sense of every man taking his turn as watchman and fireman and so forth, almost completely disappears in the large cities; and the work of performing local services comes to be assigned almost completely to full-time paid public servants. These and many similar or related changes in urban places are simply the results of advancing civilization. At the same time, in certain rural communities the decline of population and the corresponding decrease in the ability to provide local services are resulting in

some decay of local self-government in those areas. Here again there are social and economic factors at work over which governments have only limited control.

On the other hand, the actions of state and national governments may operate to weaken or to strengthen local self-government, and if the policies and the legislation of these higher levels of government are actually detrimental to local government, the facts should be exposed for all men to see, so that corrective measures may be introduced. In this field it is necessary to study the work of constitutional conventions, legislative bodies, courts, and executive and administrative bodies. Their actions should be examined to determine whether they are taking from local units more powers and functions than they are at the same time conferring on them. In short, the question is: Are they taking away more than they are giving? It is obvious that two processes are going on at the same time. To some extent the actions of higher governments enlarge the freedom and the capacity of local units, but certainly some of their actions operate in the reverse direction. It is necessary, therefore, to make an analysis of all the pertinent acts of higher governments to see what the net result is on local self-government. It may be that this net result is to change the conception of local self-government, but not materially to increase or to decrease the right.

HAVE VOTERS LOST INTEREST?

Another line of investigation would concern the voters or the people themselves. Have they lost interest in the operation of local institutions? Are they giving up their rights of local self-government without adequate struggle, or are they on the other hand increasing their interest in local problems and demanding a more effective administration of their local affairs?

To analyze a little more fully the actions of national and state governments that might undermine or destroy local self-government in small communities, it might be well to list some of the types of things that these higher levels of government might conceivably do. Such a list would include the following items, among others: (1) the direct destruction of individual local units or whole classes of units through abolition or dissolution; (2) the transferring away from local units of entire functions and the conferring of these upon departments of the central government, since such a process continued far enough would leave the local units as

mere empty shells; (3) the over-burdening of local units with functions and expenditures without regard to their revenue resources, causing a weakening or a breaking down of local services; (4) depriving local governments of their independent means of support, such as the taxing power, and making the units thus dependent on state and national governments for grants in aid or subsidies; (5) taking into the hands of central government the determination of policies on local affairs, where previously the local units had been allowed to determine the policy; (6) the partial or complete abolition of the right of local election or local appointment of local officers; (7) excessive supervision and prying by state and national officials into the performance of local functions.

No doubt this list could be extended farther without great difficulty. On the other hand, it should be observed that some requirements imposed by state governments upon local units, although resented locally, may have little or no effect in the direction of decreasing local self-government and may even tend to improve and to strengthen the operations of local governments. It may be that the requirement of financial reports, of uniform accounting, of sound debt policies and of the use of the merit system in the employment of personnel, while limiting the local privilege of misgovernment will in the long run tend to make local government stronger.

It is very clear that the studies made up to now in the field of municipal home rule, and in state control and supervision of local governments, do not cover adequately even the major points outlined above. There is certainly need for a program of research that will indicate the trends and point out the policies that are detrimental to self-government in local communities. Since it is not to be expected that the trends will be found to be identical in all states it would be desirable to have a number of states selected for intensive study. These states should be selected from various regions of the country and should represent different conditions. States that are predominantly rural would probably show different trends from those discovered in the highly urban and industrial states. Within each state it may be necessary to make a series of topical studies, since it is doubtful whether a single study could cover all aspects of central-local relations and local self-government, even for a single state.

II. Legislative Changes in State-Local Relations in Minnesota, 1915-1939

The Quantitative Aspects of Legislation on Local Government

No attempt was made in this study to count all the acts that relate to local government. Two classes of acts were omitted almost entirely. These are the acts regulating the salaries of local officials, and the so-called curative acts.

Salary acts are exceedingly numerous. The salaries of county officers, in particular, are regulated in great detail by the Legislature. Many of these salary acts relate to a single county, although this fact is disguised by an elaborate show of classification. No doubt many of them are unconstitutional as special legislation, but very few of them are contested in the courts. It appears from a few sampled enumerations that salary acts number probably five or six hundred for the period covered.

Curative acts are such as validate some action or procedure after it has taken place. The legislative counsel of local governments frequently urged the passage of such acts in order to make sure that local transactions shall not be attacked later in the courts. These curative acts are not as numerous as the salary acts, but there are probably two hundred or more of them in the period 1915-1939. All other legislative acts relating directly to local governments were counted, and although there is some duplication, particularly between the first and second columns of the following tabulation, the figures in the table below give a reasonably good summary of the numbers of laws relating to local government enacted in the period covered.

ACTS RELATING TO LOCAL GOVERNMENT, MINNESOTA, 1915-1939

Subjects:	Other - 1st, 2nd and 3rd Class Cities	4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 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operations, so no one could contend that this right on the part of local units is really an attack on local self-government.

The nearest approach to legislative dissolution of local units and the transfer of their functions to the state will be found in a series of acts in 1933 and 1935 providing for the dissolution of certain organized townships by the county board in certain cases where the assessed valuation of the townships was very low, or their tax delinquency very high, or the ownership of the lands within the units was 50 per cent or more state or federal. The county boards in several counties abolished some organized townships under this legislation and assumed the functions that the townships had previously exercised. This tended to give the county more work to do and to unify the local government services in the county. The state did not assume direct control of the functions abandoned by the dissolved townships. As a result this is not looked upon in Minnesota as an invasion of the right of local self-government.

The same classes of local units exist in Minnesota now as existed in 1915. No class has been abolished or seriously changed. A new type of unit has been created in the Minneapolis-St. Paul sanitary district which is controlled by the two cities. Townships and school districts have declined in numbers, especially since about 1920; but on the other hand no counties have been abolished; one new county has been created, as a result of local initiative; a few new cities have taken the place of villages; and a very considerable number of new villages have been created. The laws still permit increases, as well as decreases in the number of local units.

The Legislature of Minnesota has left to the local people the initiative and the decision in the creation of local units of government. Indeed, it has set the minimums of population for this purpose at very low points. It may be questioned whether this is a necessary feature of local self-government. It may, also, be questioned whether the results have been satisfactory. In certain areas, and in certain levels of government, it would seem that there are too many units and that a considerable number of them are too small to operate effectively, and are badly planned with respect to areas. Separations and divisions have been common and consolidations relatively few. The local people in planning their units have tended to disintegrate local government into very small units and to

protect them against later consolidation. The question may be raised whether local self-government would not be stronger if the state assumed the responsibility to define the boundaries and numbers of local units itself, instead of leaving this matter entirely to local initiative.

2. Transferring of Functions from Local Governments to State Departments

In the history of Minnesota in the past twenty-five years, there has been practically no case of an important function that has been taken entirely away from local units and transferred by legislative act to the state. One naturally thinks first of the regulation of urban public utilities. In many states this power of regulation was transferred from local to state governments even before 1915, and in most states the transfer has been made by now. In Minnesota there were several attempts from 1911 on to make this change, but with a few minor exceptions these moves did not succeed. The exceptions are these: In 1921 an act was passed under which the power to regulate the fares charged by street railway companies in first class cities was transferred to the State Railroad and Warehouse Commission. The companies were permitted to give up their existing franchises and received indeterminate permits to operate. As a matter of fact the cities had not for a number of decades been able to exercise any rate control over street railways before the passage of this act, and the attempts to negotiate new franchises from 1915 on had failed. Under the same act the control of service and extensions of street railways was left in the hands of the city councils.

In 1915 the regulation of telephone companies and telephone rates was also turned over to the State Railroad and Warehouse Commission. The control of this utility had, in fact, never been granted fully to municipalities, and their principal power over them had consisted in the power to designate the location of poles and other fixtures in the streets. Another exception was created when the port facilities of the Duluth Port Authority were made subject to rate regulation by the Railroad and Warehouse Commission, but this was in line with the state policy of subjecting all freight transportation facilities to state rate control.

There have been subsequent proposals to create in Minnesota a state public utilities commission to regulate gas, electricity, and other

local utilities, but these have all been defeated. Minnesota remains one of the states in which the principal urban utilities are subject in the main to local regulation.

In connection with public utilities it might be noted that the powers of cities and villages to own and operate public utilities have been considerably extended in the past twenty-five years, although individual pieces of legislation have come rather slowly and grudgingly; and that municipally owned electrical utilities now have the authority to extend their service up to as much as thirty miles outside the corporate limits.

There have been a number of changes, mostly in one direction, with respect to the construction and maintenance of highways, roads, and streets. With the state entering the highway field more actively after the trunk highway amendment of 1920, the most important state highways have been incorporated in the state trunk highway system. The counties, which lost control of these highways through this transfer, have taken over increasing mileages of other local roads so that their highway activities have actually been increased rather than decreased. It was, of course, the fact of federal aid, coupled with the difficulty of financing roads by property taxes and the possibilities of financing them by motor vehicle taxes and gasoline taxes, that resulted in the transfer of road mileages from lower to higher levels of governments. The municipalities, in order to ease the burden of taxation for street purposes locally, have in fact urged the state to incorporate connecting streets within cities in the trunk highway system, and this has recently been done even in the first class cities. In general, it can be said that the municipalities have favored state and county assumption of responsibility for an increasing number of miles of important highways. They have not looked upon this tendency as an infringement of local self-government.

The general local functions in the fields of welfare and relief, health, education, and police and law enforcement; and the primarily urban functions such as fire departments, parks, recreation, libraries, and so on, have remained as functions of the local units, although in some cases there is increased state aid and some increased state supervision in a few of the state-wide services. At the same time the state legislature has increased the functions of local governments mainly through optional legislation

authorizing a number of new services to be noted later.

3. Overburdening Local Units with Functions and Expenditures Without Regard to Their Revenue Resources

In a number of states, there is strong evidence that local control of budgets and tax levies is being in fact reduced by state legislation imposing mandatory expenditures and mandatory functions upon local units. When state legislation fixes the salaries of local officers and employees, the fees to be paid from local funds and the pension rights of local employees, or when such legislation limits the hours and the working conditions of local employees, the local governing bodies do in fact lose some of their former freedom of action. In Minnesota the salaries of county officers are in practically all cases fixed by law, and in cases where the officers are paid by fees, the fees are, also, designated by state law. County boards are, in general, unable locally to increase or decrease such salaries or fees. There are cases, also, in which the salaries of city and village officers, township officers, and school district officers, are fixed by law, but these official salaries are, in general, fixed at such low points as not to be really burdensome.

At the same time, the organized firemen, policemen, and teachers have obtained legislation defining their pension rights and requiring the local units to levy certain minimum tax rates for pension fund purposes. Some of the same groups have obtained legislation regulating their tenure, hours of work, and working conditions. These certainly have the effect of making local budgets and tax rates less flexible than they used to be. The same may be said as to the legislation fixing the fees of officers, the per diem payments to jurors and others, and the traveling expenses of public officials generally.

The investigation has not turned up any important case of a new function of any importance being imposed upon local units by state legislation. In general, new functions have been authorized in an optional form.

4. Legislation Depriving Local Governments of Taxing Power and Other Means of Support

The topic discussed above is closely related to the subject of limitations on taxing power. In Minnesota the various efforts to enact over-

all tax limitations have been defeated, but other limitations have been imposed. Beginning in 1921, the Legislature has enacted a series of laws limiting the per capita tax levies of municipalities. These placed the per capita limits at not more than \$100 per capita for municipal purposes and \$60 per capita for school purposes. The school per capita limitation has not been reduced, but the municipal per capita has been reduced to \$70 since 1933. These laws were aimed at the municipalities on the Minnesota Iron Range where per capita property valuations are the highest in the state and where tax rates had, also, become high. The amounts available for expenditure by local governments in these communities on a per capita basis were the highest in the state, and the Legislature's action was undoubtedly designed to protect mine owners and operators against what the Legislature deemed to be excessive taxes. Very few, if any, other places in Minnesota have been affected by the per capita tax limits.

Millage rate limitations are much more common and apply to all local units in the state. They are set by statute, and there was probably some justification for each one at the time that it was fixed. During periods of rising property valuations, when the Legislature was doing very little tinkering with the valuation base, these limitations ordinarily caused very little difficulty. When the time came that property valuations began to fall, the Legislature showed a willingness in many cases to increase the rates of taxation permitted. At the same time the Legislature began to change the basis of valuation. Minnesota does not assess on the basis of full and true value, but in all cases upon a percentage that varies from 50 per cent. at the highest down to 10 per cent. at the lowest point. A general tendency has been to keep up the percentages on mining and urban property and to lower them on rural property. A number of acts have been passed in recent years reducing still further the percentage ratios for determining the taxable valuation. This has been particularly true with respect to agricultural implements and seeds and both farm and urban homesteads. In addition, there has been legislation exempting motor vehicles from local property taxes, and other legislation has in effect, also, reduced the local property tax base. As a result the increased rates of taxation permitted by legislation did not, in general, increase the revenue-raising ability of local communities; and

when during the depression the full and true values of even the best properties declined sharply, the local governments were caught between the millstones and unmercifully squeezed. The net results of their attempts to raise tax rates was generally to increase delinquency, so that actual revenues fell off in serious amounts.

The Legislature at first failed to provide any substantial new sources of local revenue to offset these losses in local taxes. Later, and from time to time, there came increases in state aid for schools and the beginning of direct state aid for local relief. The Legislature also provided for some debt adjustments, providing some state assumption of certain county debts, and it also made direct appropriations to several counties for their general operating expenses. A portion of the gasoline tax was allocated to the counties for highway purposes, and almost the entire proceeds of the income tax enacted in 1933 were allocated to school districts, primarily at first for debt payment purposes. The state also assumed the maintenance of trunk highways through cities and took over increasing mileages of county highways in the state trunk highway system.

These various palliatives gave some relief, unquestionably, but they did not restore the former independence of local governments in the matter of revenue raising. More and more the local units became dependent upon state-collected taxes and state aids and subsidies. Particular taxes that might have been especially beneficial in urban places, such as sales taxes, utilities taxes, the tobacco tax, and the liquor tax, were either not authorized at all, or were granted only in part to the local communities.

The Legislature did not even give to local units the entire field of property taxation. The state has continued to levy a direct state tax on property throughout the state for general fund purposes as well as for special purposes. The resultant serious breakdown of the property tax and special assessments was only what should have been expected. Certain rural areas got along pretty well in spite of these difficulties, but urban places in general, and the larger ones in particular, have simply been unable to make ends meet. They have borrowed extensively for current relief purposes, and have not been able to maintain their full regular services or to keep up their sinking funds. The net result seems to be a definite loss by local governments of fiscal independence and self-sufficiency. This has prob-

ably been the most serious blow to local self-government in Minnesota in the past twenty-five years. While it may be said that this has been largely unavoidable due to nation-wide depression conditions, it does seem that the Legislature could have done something more to preserve local financial independence than it has done.

5. Central Control of Policies in Local Affairs

This type of invasion of the field of local self-government has not gone far in Minnesota in the past twenty-five years. The Legislature has required certain things to be approved by state officials that were not previously approved by the central government. Cities borrowing beyond their ordinary debt limits for relief purposes have had to get the approval of the Governor; and the Governor's approval has, also, been required for plans of bridges to be constructed by counties and cities over navigable waters. County improvements to state aid roads, the money for which comes from a state-collected tax, must be approved by the State Highway Department, and the State Division of Social Welfare has a right to overrule counties in their decisions concerning old age assistance. At the same time, public schools have been required to teach certain new subjects connected with the Declaration of Independence, the Constitution, health, and temperance, and thus have lost to that extent local control over the curriculum.

Various proposals have been made in Minnesota to introduce a sort of Indiana plan for state control over local budgets, taxes, and borrowing. These proposed acts have all been defeated in the Legislature with the result that there is no state agency empowered to overrule local units with respect to their financial policies.

6. Abolition of the Right of Local Election and Local Appointment of Local Officers

In certain European countries, such as Italy and Germany, local self-government in the American sense no longer exists, because all important local officials must be appointed by, or at least approved by, the central government. There are practically no cases of this sort of

thing in the State of Minnesota. When the county boards of child welfare were instituted in 1917, under new legislation, the State Board of Control was authorized to appoint three out of five members of each county child welfare board. These boards have been superseded by the present county welfare boards, which consist of five members of whom three are locally designated by the board of county commissioners, who may take three of their own members for the purpose. The other two are selected by the State Division of Social Welfare from a list of names submitted by the county commissioners. The appointment of county agricultural agents must be approved by the Dean of the Department of Agriculture of the State University. County highway engineers are appointed by the county commissioners on their own responsibility, but the State Highway Department is authorized to submit lists of approved names and in many cases these are used. The State Division of Social Welfare has the power, also, to determine the personnel rules of county welfare boards.

It should be noted that these cases of state approval are very limited, and they all relate to the counties. Cities, villages, townships, and school districts, are free from any such control. The state constitution still in effect guarantees a considerable right of local election of local officers, and local appointment of the remaining local officers and employees is still the practice.

7. Excessive Supervision by State and National Officials Over the Performance of Local Functions

The extent of state administrative supervision over local governments in Minnesota has increased a little since 1915, but this increase has come mainly in two fields: namely, county welfare work and county highway work. In compliance with the federal social security laws, the Legislature has provided for the usual amount of state supervision over the administration of old age assistance, aid to dependent children, and similar federal-state programs. Residual relief, which falls outside the scope of the federal security regulation, still remains largely subject to local control without much state supervision. The increase of state supervision in the highway field relates primarily to county improvements on the state aid roads. This class of roads is financed in part by a state-wide tax levy which

is allocated back to the counties, and it was largely because there was state aid for these roads that the state introduced state approval of plans for such roads. On the other hand, the allocation of one-third of the gasoline tax to counties was not accompanied by any increase of state supervision.

There are a number of statutes that require central approval of local plans. Mention can be made of school building plans and plans for jails, tuberculosis sanatoria, water supplies, and sewer systems. State approval of these goes back in the main to the period before 1915.

In a number of cases local units are now required to report information to the state that was formerly unreported. Since 1947 they have had to report annually their debt figures, and since 1959 they have been required to report all receipts and expenditures annually to the State Public Examiner. It is interesting to note that the 1939 Legislature provided no special fund for the Public Examiner to carry out the requirements of this law. Highway engineers are required to report monthly and yearly to the State Highway Department, and welfare boards are required to report to the State Division of Social Welfare. In order to promote a state-wide program of law enforcement, local police officers, including sheriffs, are now required to report crimes and send finger prints and other records to the State Bureau of Criminal Apprehension. They must also report traffic accidents to the State Highway Department.

Taken all together, these increases in state supervision and in reporting requirements do not constitute any serious invasion of the rights of local self-government. In most cases these new requirements have been accompanied by new state services or state aids for the function concerned.

In the preceding seven sections are analyzed the legislative trends that suggest, or might imply, some encroachments by the Legislature on the field of local self-government. In the following four sections, are presented trends that are either not contrary to local self-rule or that may be even helpful to it.

8. Legislation Relating to Better Business Methods and Organization in Local Units

All units of government in Minnesota are now required by law to have competitive bidding on

all important contracts. Central purchasing has been authorized in a number of places including two counties, and cities have been required to keep accurate accounts of all public works projects amounting to \$1500 or more. There has been some extension of the power of the State Public Examiner to audit the accounts of local units. A number of cities and villages that had accumulated large floating debts have been authorized to clear up these debts by funding and refunding operations, and many of these have been placed by law upon a cash basis, so that warrants shall not be issued during any fiscal year unless there is money on hand to pay them. Certain counties when authorized to issue refunding bonds were also required to establish budget systems. All units have been required, in general, to use the serial bond method in borrowing.

With respect to personnel, small cities and the larger villages have been authorized to adopt civil service legislation for police and fire departments. The qualifications for teachers have been somewhat improved. Counties have been required to maintain certain personnel standards in their welfare departments. County highway engineers may be selected from lists of qualified persons prepared by the State Highway Department, and the State Civil Service Commission is authorized to assist local governments in the examination of candidates for local government appointments.

In short, a considerable number of laws in the twenty-five-year period seem to be designed to improve the business methods of local governments and to raise their administrative standards. Some are permissive, others mandatory. It is not believed that these constitute any serious diminution of local powers of self-government.

9. Increased Local Powers with Respect to Existing Services

Many legislative acts have authorized local units to exercise new powers, without actually increasing the range of functions of the local governments. For example, county boards have been authorized to fill vacancies in county offices, to provide deputies and clerks in various offices, to provide automobiles for the sheriff and for the use of the county board, to rebuild or enlarge courthouses and jails, to issue bonds in some cases without popular vote, to join

other counties in road and bridge projects, and to provide liability insurance in connection with highway work.

Cities have likewise been given new powers of many kinds in connection with old functions. For example, they have been authorized to borrow or receive gifts of money from the RFC, PWA, WPA, and so forth, to take advantage of the federal bankruptcy act, to draw water for the city water supply from any river, to extend their services such as water, fire services, and so forth, beyond the city limits, and to do many similar things. Some of these extensions of powers relate, also, to counties and other units. It would take many pages to summarize all such legislative changes. The general effect of this group of laws is to enlarge the powers of local governments.

10. Legislation Expanding Local Functions

Every class of unit of government in Minnesota has been authorized in recent years to expand the range of its activities. It is not always easy to determine whether a new law grants authority for an entirely new function, or whether the grant is in some cases merely a new method of performing a function previously granted. In many cases, however, the function involved is definitely a new one. In the case of counties, for example, there will be found acts in the past twenty-five years authorizing the establishment of tuberculosis sanatoria, fresh air schools and visiting nurses in connection with such institutions, county hospitals, aid to dependent children, old age assistance, home schools for boys and girls, cemeteries and memorials for veterans, rest homes for disabled veterans, aid for county historical societies, county libraries, lake level control, improvement of channels between lakes, tunnels for cattle runways under highways, weed and rust control, aid to settlers in land clearing, eradication of insect pests, seed and feed loans to destitute farmers, and also free seed, land classification, plating control outside of first class cities, zoning authority in counties having state and national forests, recreational facilities, aid to agricultural societies and county fairs, cooperation with state and federal agencies in establishing county agricultural agents and home economic extension work, airports and landing fields, and a number of other activities.

The list of new functions for cities is also a very long one and includes city planning, zoning, airports, public markets, public utilities, police radio systems, auditoriums, municipal baths, recreational systems, band concerts, municipal forests, municipal liquor stores, and many other items.

Even the organized townships have received very substantial extensions of authority to undertake new activities in the past twenty-five years, and school districts likewise have benefited from legislation of this type. In the school district laws one finds new authority for the instruction of crippled and defective children, industrial education, evening classes, vacation schools, libraries, junior colleges, athletic fields, control of students' extra-curricular activities, recreational activities, school transportation, safety patrols, and school savings systems. Many of these laws apply to the common rural school districts as well as to the larger urban districts.

One of the most striking things in the legislation of the past twenty-five years is the very considerable expansion of the functions of local governments. It should be remembered, also, that most of these functions are optional with the local unit and that they can be undertaken by the local governments without state supervision.

11. State Aids and Services to Local Units

Another very striking development has come in the closer integration of state and local finances. In sections three and four above, it was shown how certain laws have put new burdens on local units without increasing their revenue resources and how others have limited the tax powers of local units. To offset these tendencies, there has been a very considerable increase in state aids and state services to local units. These have come particularly in three fields: social security, education, and highways. The social security aids are so well known and so similar in all states that little need be said about them. In the field of education, the state has special aids for many different purposes, and since 1915 it has assigned substantially all the proceeds of the income tax, first enacted in that year, to the school districts. State aid and shared revenues in the field of education have amounted to more than \$20,000,000 a year in recent years, or about \$40 per pupil in the pub-

ENCOURAGE MUNICIPAL HOME RULE

Cities are now required to publish charter amendments in 3 newspapers for 30 days. The proposed change will require publication in one newspaper once a week for 4 weeks.

Most cities do not have 3 newspapers in their own community and have to use outside papers.

The cost is so high that they don't try to keep their charters up to date. Instead they run to the Legislature for special laws. This not only nullifies the home rule principle, but jams the state legislative processes with local matters.

VOTE "YES" ON THE PINK BALLOT

VOTE "YES"

November 5 on the

Constitutional Amendment

—YES	X	PUBLICATION MUNICIPAL CHARTER AMENDMENTS
—NO		Amendment of Section 36 of Article 4 of the Constitution relating to changing of the requirements for the publication of proposed amendments to charters of cities and villages within the State of Minnesota.

NON-PARTISAN AND NON-CONTROVERSIAL

**Sponsored by the home-rule charter cities of the state and the
League of Minnesota Municipalities**

Prepared and circulated by the League of Minnesota Municipalities
15 University Library Building, Minneapolis, Minn.

(OVER)

League of Minnesota Municipalities

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Minneapolis, Minnesota

OCT-51900

October 4, 1940

EDUCATIONAL MATERIAL ON CONSTITUTIONAL AMENDMENT

To the Editor:

The constitutional amendment to be voted on November 5th, sponsored by the home rule charter cities of the state and the League of Minnesota Municipalities, is non-controversial and non-partisan, with no organized opposition, but it will fail through lack of understanding and because of unmarked ballots unless all channels of publicity and education are used between now and election day. Will you cooperate in this good government cause by giving news coverage in your publication and, if possible, favorable editorial comment?

Attached is a copy of a news release which the Minnesota Editorial Association is distributing to the newspapers of the state, as well as printed material available in our office. Additional copies of this material will be gladly furnished, if you have a suggestion as to distribution beyond a story in your publication.

Thanking you for any cooperation you can give in this important matter, I am

Yours very truly,

C. C. Ludwig

C. C. Ludwig, Editor
MINNESOTA MUNICIPALITIES

The Constitutional Amendment—A Need For Our Cities

Vote "Yes" on the Pink Ballot on November 5

FOR the first time in twenty-two years, the voters will be asked to consider only one amendment to the State Constitution at the general election on November 5, 1940. The sole change proposed is in the publication requirements for home rule charter amendments. Now the charter amendments must be published in three newspapers for thirty days. Under the proposed constitutional amendment, publication of charter amendments must be made once a week for four consecutive weeks in one newspaper.

ORIGIN OF THE MINNESOTA HOME RULE PROVISION

When those who were interested in amending the Minnesota Constitution to permit cities to frame their own charters drafted the necessary enabling authority, they drew on the Constitution of the first state which granted that power (Missouri) and with few important changes, the Missouri provision of 1875 was added to the Minnesota Constitution in 1896 as Article IV, Section 36. The requirements for publication of home rule charter amendments were the same except that in Missouri one of the three newspapers selected had to be printed in German. The reason was that the Missouri provision applied only to cities of more than 100,000 population (and still does) and at the time it was adopted, St. Louis was the only city that thus qualified for home rule. But when the Missouri section was taken over into the Minnesota Constitution, it was broadened to apply to *any* city or village, regardless of size.

DIFFICULTY OF MEETING PUBLICATION REQUIREMENTS

What is the result? We now have 74 cities in Minnesota operating under charters framed by their own citizens and adopted by the voters. Twenty-four are below 2,500 in population, with the smallest comprising only 112 people.

How many of these 74 cities have "three

newspapers of general circulation in such city," as the constitution requires, for the publication of amendments to these home rule charters? In only 11 are three or more newspapers published; 32 have two; 29 have only one local newspaper, and 2 have none. Therefore, 63 of our cities must go outside their own community to find one or more of the three newspapers in which charter amendments must be published. Whether they try to get along with fewer newspapers (which the Attorney General says is not legal) or publish in an outside paper, their amendments may be invalid. No matter what they do they cannot clearly meet constitutional requirements.

COST OF AMENDMENTS IS EXCESSIVE

Added to the difficulty of complying with the Constitution is the expense involved in doing so. Nowhere else in the Constitution or statutes is there a publication requirement so burdensome. Even if there are three weeklies available, at least fifteen publications—five in each paper—are necessary; and if one of the papers is published daily including Sundays, thirty publications are required. Only four of the 22 cities having daily papers can avoid the excessive cost of daily publication through the use of weeklies exclusively. All except the largest cities find it financially impossible to publish long amendments to their charters; so the charters go unamended. Many of our city charters have never been amended though they are twenty or thirty years old; others have been amended only in a few sections where the amendments could be made briefly. Sometimes the charter has become hopelessly antiquated; in other cases the city has tried to keep its government up to date by resorting to a growing evil—running to the Legislature for relief.

SPECIAL LEGISLATION AND PUBLICATION REQUIREMENTS

For almost fifty years the Legislature has been forbidden to pass special legislation for

cities; but it has often evaded the constitutional prohibition by passing a law general in form though applying to only one city. This evil has been growing in recent years. One important reason for its existence is that cities have found that it is easier and much less expensive to get the Legislature to amend their charters for them through special legislation than to do it themselves through the home rule process. The Legislature spends an increasing amount of time in the consideration of "local" bills and thus is prevented from giving major state legislation all the attention it deserves. The people at home have no opportunity to vote on this kind of charter amendment, and to that extent the principle of home rule, so vital a part of Minnesota's political heritage, is undermined. The Legislature, accustomed to pass local legislation at the request of local people, can easily get into the habit of doing the same unasked.

MINNESOTA REQUIREMENTS UNEQUALLED

Twenty years ago the voters of Missouri decided their publication requirements were excessive and rewrote the constitutional provisions to remove them altogether; yet in Minnesota, where they affect 74 cities of all sizes instead of only two of more than 100,000 in Missouri, the constitutional provision has remained unchanged. Perhaps no other home rule state can match Minnesota in the severity of its publication requirements for charter amendments in small cities.

AMENDMENT ENDORSED BY THE LEAGUE

The amendment was unanimously recommended by a resolution adopted by the League of Minnesota Municipalities in its 1939 Legislative Conference. Its need has been recognized by the home rule charter cities of Minnesota for many years. Three times (1912, 1924, and 1938) similar changes have been be-

fore the voters. Three times those who have cast their ballots on the proposition have overwhelmingly endorsed the measure, but it has been defeated by those who went to the polls but failed to vote on the amendment. In 1938 over 43% of those who voted *at the election* (seven per cent less than the required majority) approved the change; but of those voting *on the proposition*, 488,370 balloted in favor of the amendment with 260,152 voters casting negative votes. Since no opposition to the amendment was expressed during the campaign, it is safe to say that most of the negative votes were cast by citizens who were not informed of the need and purpose of the proposed change and who automatically vote against a proposition if they do not understand it.

NEED FOR CITIZEN SUPPORT OF AMENDMENT

Notwithstanding the importance of the proposed constitutional amendment as a factor in revitalizing home rule, many citizens, unless properly informed, will consider a change in publication requirements for home rule charter amendments too trivial to vote upon. In Minnesota that attitude is fatal to any proposed constitutional amendment because it can be adopted only if it receives a favorable vote of a majority of those voting *at the election*. A majority of those voting *on the proposition* is not enough. Every voter who leaves his constitutional amendment ballot blank in effect casts a "no" vote.

The amendment is non-controversial and non-partisan. It has the support of the League of Minnesota Municipalities, the Minnesota Editorial Association, the Legislature, public officials, and all citizens interested in good government in our local communities. No one opposes it; and no special interest advocates it. It should receive every voter's positive endorsement at the polls November 5.

Encourage Municipal Home Rule

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ADDITIONAL COPIES ON APPLICATION

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General Extension Division
University of Minnesota

ORVILLE C. PETERSON, *Attorney*

October 9, 1942

Mrs. Philip S. Duff, President
State League of Women Voters
914 Marquette Avenue
Minneapolis, Minnesota

Dear Mrs. Duff:

The educational work on the League-sponsored amendment relating to publication requirements for home rule charters has to be done all over again since it was defeated in 1940 by the large number of blank ballots. The trust funds amendment, sponsored by the State Board of Investment, has also been endorsed by the League and we are undertaking the publicity campaign in behalf of both amendments. The attached publicity material has been prepared by the League for all the sponsoring groups. Additional copies are available to you if you will let us know how many you can use.

Any assistance that the State League of Women Voters can give us in the way of distribution of the material prepared or brief comments in your own literature will be very much appreciated.

In a conversation with Mrs. Collins of the Minneapolis League of Women Voters, I found that they are making a reprint of the enclosed poster for their mailing list.

Sincerely yours,

C. C. Ludwig
C. C. Ludwig
Executive Secretary

AMM/bf
enc.

League of Minnesota Municipalities

15 University of Minnesota Library
Minneapolis, Minnesota

October 7, 1942

EDUCATIONAL WORK ON CONSTITUTIONAL AMENDMENTS

(GENERAL ELECTION, NOV. 3, 1942)

To Minnesota Civic Organizations:

The League of Minnesota Municipalities, speaking for itself and also on behalf of the State Board of Investment, the Legislative Interim Committee on Education, and the Minnesota Editorial Association, requests your assistance in explaining the constitutional amendments which will be on the general election ballot November 3. The merit of these amendments is recognized. There will be no opposition and their non-controversial and non-partisan character will justify all organizations interested in government improvement in Minnesota to get behind them. The real problem, of course, is to get the amendments understood and to reduce the number of blank ballots which may have the result of defeating them.

The attached publicity material has been prepared by the League on behalf of all the sponsoring groups and additional copies can be made available to you if you will let us know how many you can use. Distribution of this literature at meetings or in letters will be helpful. Digests or brief notices in organization bulletins will also be effective.

Thanking you for any cooperation you can give, I am

Yours very truly,

C. C. Ludwig
C. C. Ludwig
Executive Secretary

CCL/bf
enc.

Constitutional Amendment No. 2 Strengthens Municipal Home Rule

By C. C. Ludwig, Executive Secretary,
League of Minnesota Municipalities

For the fifth time since adoption of the home rule amendment to the constitution, Minnesota voters will be asked on November 3 to modify the present stringent requirement for the publication of home rule charter amendments. At present the constitution requires every proposed amendment to home rule charters of cities to be published for thirty days in three newspapers of general circulation locally. The sole change proposed is to substitute a provision for publication in one newspaper once a week for four successive weeks. The proposed modification will appear on the ballot this year as Amendment No. 2.

PRESENT REQUIREMENTS DIFFICULT AND EXPENSIVE

Of the 76 home rule charter cities in Minnesota, only ten have three or more newspapers. The rest may publish in the proper number of newspapers only by going outside their municipalities for publication. There they may court legal objections by failing to meet the constitutional rule that publication be in a medium "of general circulation" in the city. Thirty home rule charter cities have only two newspapers, thirty-four have only one, and the other two have none at all. Publication in fewer than three the Attorney General considers illegal. Thus no matter what these sixty-six cities do, they cannot clearly meet constitutional requirements.

Added to this difficulty is the expense of complying with the constitution. If three weeklies are used, a minimum of fifteen publications is necessary, and if one of the newspapers in which the charter amendment is published is a daily and Sunday paper, thirty publications are required. Only four of the twenty-four cities having dailies can avoid the expense of daily publication by using local weeklies exclusively. The result is that in too many cases either charters go unamended and ignored or their difficulties are obviated by legislative relief

through special legislation in the guise of general laws.

INDIFFERENCE DEFEATS PREVIOUS ATTEMPTS

Four times (1912, 1924, 1938, 1940) similar changes have been before the voters of the state. Four times those who have voted on the proposition have overwhelmingly endorsed the measure but it has been defeated by those who went to the polls and failed to vote on the amendment. In 1940 49% of those who voted *at the election* (only one per cent less than the required majority) approved the change; but of those voting *on the proposition*, 635,815 balloted in favor of the amendment with 287,286 casting negative votes. Each time the attempt has more nearly approached success. In 1940 an additional 15,000 votes would have carried the amendment. One vote among every 25 blank ballots would have been sufficient.

SPONSORSHIP AND BENEFIT

The last three attempts as well as the present attempt to change these publication requirements have been sponsored by the League of Minnesota Municipalities. It has done this not only for the sake of the 76 home rule charter cities of the state but for the benefit of Minnesota local government in general. Everyone of the 650 villages of the state is a potential home rule charter city and the officials as well as the citizens of villages should, therefore, be interested in the passage of the amendment.

AMENDMENT HAS GENERAL SUPPORT

As was the case previously, the amendment has been endorsed by the Minnesota Editorial Association. The present constitutional requirements are recognized by the Association to be unreasonable and unduly expensive. The legislature in submitting the amendment to the

Reprinted from MINNESOTA MUNICIPALITIES Vol. XXVII, No. 9, September, 1942.
See other side for explanation of Amendment No. 1

Vote "YES" on Both Amendments

people has approved it by unanimous vote. The increasing majorities it has received at previous elections demonstrate that it has the overwhelming support of the electorate. No opposition has been expressed. It can honestly be said the amendment is non-controversial and non-partisan and that it will have the support of all officials, candidates and organizations interested in governmental improvement in Minnesota. The main concern of officials and citizens alike will be to stimulate discussion of the amendment so as to reduce the number of blank ballots.

CHARTER HOME RULE A DEMOCRATIC INSTITUTION

The constitutional right given to Minnesota communities to adopt and amend charters for their own local government is one of the bulwarks of democracy. Especially in war time, when the American way of life is being defended from external foes, it is appropriate that so valuable an institution be jealously guarded and strengthened through exercise. The overwhelming approval of Amendment No. 2 by Minnesota citizens will be one important evidence of their devotion to the democratic cause.

Trust Funds Amendment Benefits Local Taxpayers

By William H. Lamson,
Secretary, State Board of Investment

THE MAIN purpose of proposed constitutional Amendment No. 1 is to make it possible for the state to keep a larger part of the permanent trust funds invested in bonds of Minnesota school districts and municipalities than can be done under the present constitution, and to permit loans to them to be made at a lower rate of interest and for a shorter period than now permitted.

The constitution now provides that these funds, which aggregate about \$120,000,000, may be invested in government and state bonds without limit as to interest rate, or may be loaned direct to Minnesota school districts and municipalities at 3 per cent interest, and to run at least five years.

This proposed amendment will permit the legislature to authorize reduction of the interest rate on such loans from 3 per cent to 2 per cent and to provide that the first bond may come due in one year if so desired and so voted.

The amendment was first suggested by the State Board of Investment which is charged with the duty of investing these funds. It was recommended by the Legislative Interim Committee on Education, and was adopted by the legislature by unanimous vote.

Formerly the demand for loans from Minnesota municipalities and school districts absorbed most of the available funds but in recent years the Board has had to go out and buy the bonds

of other states yielding less than 3 per cent interest, and now has nearly \$22,000,000 so invested, but is finding it difficult to buy any more desirable state bonds which yield as much as 2 per cent. It believes that it would be better investment policy to take care of the needs of our own Minnesota counties, cities, villages, towns and school districts than to invest it in more bonds of other states, and that these smaller local borrowers ought to be given as low a rate of interest as the Board can net on bonds of other states. Right now our larger municipalities can borrow money at less than 2 per cent on short time bonds but if Congress imposes a tax on the income of municipal bonds that will no longer be possible.

Borrowing municipalities will, through the adoption of this amendment, get the benefit of a low interest rate and at the same time the state will get the benefit of a larger home demand for these investment funds, and thus the best interest of the taxpayer will be served.

There is nothing controversial, partisan or political about this amendment. It is purely a business proposition. It deserves and should have the support of all Minnesota voters at the coming election. Since blank ballots are "No" votes in effect, it is important that each voter use, and vote "Yes" on his pink ballot.

Reprinted from MINNESOTA MUNICIPALITIES Vol. XXVII, No. 10, October, 1942.
See other side for explanation of Amendment No. 2

Vote "YES" on Both Amendments

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ADDITIONAL COPIES ON APPLICATION

VOTE "YES"

November 3, 1942

Constitutional Amendments

(Blank ballots are "No" votes.)

—YES	☒	INVESTMENT OF PERMANENT TRUST FUNDS Amendment of Section 6, of Article 8 of the Constitution, relating to changing the requirements for investment or loan of the permanent school and permanent university funds.
—NO	☐	
—YES	☒	PUBLICATION OF MUNICIPAL CHARTER AMENDMENTS Shall Article IV, Section 36, of the constitution be amended so as to simplify, and reduce the expense of publishing, amendments to home rule charters of cities and villages?
—NO	☐	

(OVER)

HELP LOCAL TAXPAYERS—ENCOURAGE MUNICIPAL HOME RULE

Amendment No. 1 changes the minimum interest rate which the State Board of Investment may charge on loans to Minnesota school districts and municipalities from 3% to 2%. This keeps Minnesota trust funds at home and provides a saving for local taxpayers. Amendment sponsored by State Board of Investment and legislative interim committee on education.

Amendment No. 2 reduces the publication requirement for home rule charter amendments from three newspapers for 30 days to once a week for four weeks. The present requirement is excessively expensive and unreasonable, discourages charter amendments, encourages running to legislature with local matters. Amendment sponsored by League of Minnesota Municipalities and endorsed by Minnesota Editorial Association.

Both amendments approved by unanimous vote of the state legislature.

USE YOUR PINK BALLOT—VOTE "YES" ON BOTH AMENDMENTS

Prepared and circulated by the League of Minnesota Municipalities,
15 University Library Building, Minneapolis, Minnesota.

November 13, 1947

ADVANTAGES AND DISADVANTAGES OF A HOME RULE CHARTER

Advantages

The advantages of municipal home rule have been briefly stated by Professor William Anderson in his book City Charter Making in Minnesota, as follows:

1. "Every home rule city may have the form of government and the range of local powers and functions which the people of the city desire it to have.
2. The charter may be drawn up locally, in the open, and by residents of the city, and must be adopted by the electors themselves.
3. Whenever changes in the local government are really needed or desired they can be had by local action immediately instead of a year or more later when the legislature meets.
4. The legislature is relieved of much time-consuming and expensive labor in devising laws for local communities. The result will be a better legislature and better general laws, to the great benefit of the entire state.
5. The entire home rule process is distinctly educational to all the voters of the city. Some are called to work on charter commissions; the others must learn at least a little about charters and amendments because they must vote upon proposed changes. Trained thus in local affairs, the people become better fitted to cope with state and national problems."

The village form of government is rather simple, but a city charter may be just as simple. A village is continually subject to the acts of the legislature, and to change any of its present powers it must apply to the legislature, for the enactment of a statute. While a city under a home rule charter is subject to the general action of the state legislature, nevertheless, it is given the power to amend its charter from time to time to fit its own needs. State laws may prescribe certain obligations for municipalities, but if there are home rule charter provisions on the subject, the courts will allow considerable local variation in procedure and methods of performance. If the state law is silent on a subject, the local citizens may assume powers for their municipality by including them in their charter. Limitations, likewise, may be included which are more stringent than those in general state laws; for example, tax and debt limits. Most of the home rule authority reserved to local citizens through the home rule charter, however, has to do with machinery and form of government. Of the 79 home rule charter cities in Minnesota, 63 have provided for the mayor-council form, 9 for the commission form, and 7 for the council-manager form. There are many local variations having to do with elected and appointed officials, and independent boards and commissions.

There is no necessary relationship between the cost of city charter and village government. The cost of government under a city charter need not be greater than under the village form. Under a home rule charter a great many cities

do not pay their councilmen and mayors at all, or pay them only a very small sum about equal to the amount they receive under present village laws. The charter need not set up a wide variety of departments, but may allow the council to establish administrative departments at their own discretion. Some home rule charters have fixed their tax limits at a lower amount than the two per cent or twenty mill limit for villages; others have exceeded that amount. Thus there is no definite standard by which to judge the costs of the respective forms.

Disadvantages

There are some disadvantages claimed for home rule charters. These include the following:

(1) Difficulty of adopting and amending charters. A charter must be drafted locally and amendments must be locally prepared and submitted to the voters. The majorities required - four-sevenths for a new or revised charter and three-fifths for amendments - are often very difficult to obtain, particularly if any issue is made over ratification. In the case of an amendment to the village laws, a general need may develop which makes amendment by the legislature relatively simple. No public educational campaign is necessary. Sometimes because of the relative ease of securing legislation, home rule charter cities have sought what are virtually amendments of home rule charters by special legislative act.

(2) Loss of advantage of uniformity. While a home rule charter permits the adoption of a local constitution tailor-made to the needs of the individual community, this very fact makes the experience of other municipalities concerning the application of a charter or village law of little direct help to the home rule charter city. The supreme court or the attorney general can give a ruling concerning a village which will be equally applicable to all the other villages in the state but ruling affecting a home rule charter will be of concern only to those other cities which have similar charter provisions.

(3) Danger of poor local drafting. Some home rule charter cities have had many practical difficulties occasioned by the fact that the persons who drafted the charter were amateurs who knew little about charter drafting or did not have the time to do a competent job. This difficulty can be minimized by the use of model charters and reliance upon competent professional advice. The League has made it a practice to prepare comprehensive comments upon any proposed charter draft at the request of the charter commission. It is pointed out also by advocates of the home rule charter system that many statutes are as poorly drafted as charters and over these an individual municipality has less control than it does over its own home rule charter provisions.

(4) More general availability of statutes than charters. Any one looking for the applicable law relating to a home rule charter city must consult not only the statutes but the particular home rule charter. The statutes are available in every law office but only a few collections of home rule charters exist, and where search is to be made in some other municipality access to the home rule charter may be quite difficult.

(5) Cost of preparation of a home rule charter. In most communities this is a negligible item. The law limits the cost of preparing a charter in the first instance to \$1500 and most charter commissions have operated on less than this amount. The smaller the community the larger relatively this burden will be.

Some Specific Comparisons of Powers of Home Rule Charter Cities and Villages

The following is a list of a few of the possible differences between the powers of villages and those that may be provided by home rule charter. In some

instances these differences may be considered to be to the advantage of villages, in others to the advantage of the city. The list is illustrative of some of the points made in the earlier portions of this memorandum and is not meant to be exhaustive.

(1) Governmental Structure. In general, a city may provide almost any type of governmental structure it chooses. The structure of city government is not prescribed by statute in any great degree. Consequently, in a city the composition of the council, its procedure and its relation to the rest of the city government, may be entirely regulated by charter. In villages a council must consist of five members elected at large and including the mayor and clerk. It must be head of the administration of the village and it cannot delegate its power. A city may provide for a council-mayor plan, a commission plan or a council-manager plan, and it may give as much or as little power to the mayor as it chooses. The village clerk, village treasurer and village assessor under existing law must be elected for two-year terms. A home rule charter may provide for appointing all these officers and may fix their term at any length. (Under the village code proposed by the League to the 1945 legislature and planned for resubmission in 1949, villages over 1000 would be given options to establish council-manager or commission plans and all villages would be permitted to provide for an appointive clerk, treasurer and assessor.)

(2) Broad Grant of Powers. In general, a city may provide (not inconsistent with statute) any municipal powers which the legislature could have delegated to the city and in practice a number of city charters have attempted to do so. Villages have the powers that are granted by statute.

(3) Taxes. A village has no power to levy taxes other than taxes on property. Presumably, a city may be granted this power by charter. A village may not levy taxes in general in excess of 20 mills. Such a limit may be raised, lowered or completely abrogated by home rule charter for a city.

(4) Finance. No budget system in a strict sense is required in villages. Such a system may be required by charter but need not be. Provisions for the payment of claims in villages contemplate action by the council on virtually every claim in advance of approval. This subject may be regulated by charter. The purpose for which expenditures may be made may be broadened or limited by charter beyond those permitted in villages. For example, appropriations to private agencies performing work of a public character may be permitted by charter but are probably not permitted in villages. Villages are limited in their issuance of warrants in anticipation of the collection of taxes. This authority may be broadened or curtailed by charter or a system of tax anticipation certificates substituted. The statutory debt limit of 10 per cent applicable to villages may be lowered but not raised by home rule charter. (Under the proposed village code, a budget system would be required in commission or council-manager villages and the issuance of tax anticipation certificates would be permitted.)

(5) Franchises. The village council may negotiate franchises to utility companies in villages for almost any term. Similar provisions may be inserted in home rule charters but the authority may be circumscribed if desired and the charter may require popular approval for franchises. The payment of a franchise fee or tax may be provided by agreement in villages but cannot be compelled. A charter may require payment of such a fee or tax.

(6) Municipal Utilities. Villages may establish electric and water utilities only after a vote of the people regardless of the method of financing used. A charter may provide for acquisition without a vote or may require a different majority from the five-eighths majority prescribed in villages. It is only at the end of every five-year period from the date of the franchise that villages have clear statutory authority to acquire privately owned plants without

the consent of the owner. The right of condemnation at any time may be given by charter. Utility bills may not be made a lien on property in villages; presumably they may be in cities under adequate charter authority. Villages may use surplus funds for the support of general funds; in cities this depends entirely upon the charter.

(7) Ordinance Procedure. Villages may pass an ordinance on a single reading at the same meeting at which the ordinance is introduced and they must publish the ordinance in full in the local newspaper except where adopted by reference under the state law. Cities may, but need not, require several readings and the lapse of time between readings. Charters may or may not provide for publication and they may impose other restrictions on the ordinance process. A city may provide for publication of a new ordinance code in pamphlet form in lieu of newspaper publication, but under present law newspaper publication in such cases may not be dispensed with in villages. Villages may not submit ordinances to the people under the initiative and referendum process. Cities may provide for initiative and referendum by charter. (The proposed village code would permit pamphlet publication of new codes without prior newspaper publication.)

(8) Personnel. A village council may not remove one of its members. In cities this power may be provided by charter. In villages, except for police and fire civil service, appointments and removals of appointive personnel are generally at the discretion of the council. In cities, restrictions, such as a formal civil service system, may be included in the charter. The council has no power to fix salaries of council members in villages and its authority may be somewhat restricted in the case of certain other appointive officers. Cities may include in their charter fixed or flexible provisions for council salaries and may authorize the council to fix other salaries at its discretion. The premiums on bonds for fee officers in villages may not be paid by the village. A home rule charter may provide for the payment of premiums on any or all bonds from municipal funds. (The proposed village code would permit the fixing of administrative salaries without restriction.)

(9) Contracts. Except for a few restrictions in connection with the execution of contracts relating to public works, there are no statutory restrictions on powers of cities with respect to the procedure by which contracts are to be entered into. Consequently, the requirements for bids may be phrased by charter to suit the individual municipality. In villages, bids must be advertised for in the cases covered by statute - i.e., in general, where more than \$100 is involved. Restrictions on official interest in contracts may be increased by charter action. (The village code would increase the amount which may be purchased without bids to \$500.)

(10) Tort Liability. Villages are subject to the tort liability imposed by statute and court decisions. Cities may apparently extend or curtail this liability for torts. Ordinary rules regarding contract liability probably may not be changed by charter.

(11) Special Assessments. Villages may make local improvements and levy special assessments according to the statutes. In cities, this power may be granted on a more or less extensive basis than in villages and subject to fewer or more restrictions, the only limitations being that assessments may not exceed the benefits and that the property owner is entitled to notice and hearing. The purposes for which special assessments may be levied may be broadened in cities to include any type of local improvement. Councils in villages under existing law do not have the power to construct sidewalks without a waiting period during which property owners may construct them themselves. A provision for such a waiting

period is not necessary in cities unless so provided by charter. (The proposed village code would add a new broader special assessment law which might eventually be made exclusive. This would abolish the waiting period provisions now applying to sidewalks.)

(12) Real Estate. Villages may acquire real estate needed for public purposes and dispose of it by council action when no longer needed for public purpose. Bids and approval of the voters is not required but restrictions of this type may be imposed in cities by charter if found desirable.

(13) Parks. There are restrictions by area (40 acres) and in money (\$4,000) upon villages in the purchase of land for park purposes and a similar restriction of \$2,000 in the case of annual appropriations for park improvement and maintenance. Such a restriction may be removed by home rule charter. (The proposed village code would eliminate present restrictions.)

(14) Insurance. According to the Attorney General, villages have no authority to carry insurance indemnifying the village against damages which it is not required to pay. Probably in cities such authority may be granted. (The proposed village code would permit such insurance.)

(15) Elections. While many phases of election procedure are regulated by statute, there are many others open to municipal regulation by charter. The date of the municipal election, fixed in villages for the first Tuesday after the first Monday in December, may be set at any date desired in cities by charter. The number of officials and composition of election boards may be regulated locally by charter. A board of five is required in villages. Terms of office may be regulated by charter. Recall elections may be provided by charter. There is no recall system in villages. Proportional representation may be used as a method of election and a different nomination procedure from that set up for villages may be provided by home rule charter.

(16) Separation from Town. A village may, if not already separated, preserve for itself its status as part of the town for assessment and election purposes. A city may not do so but must be completely independent of the town. (The village code would abolish this option for villages created in the future.)

(17) Accounting. Under the law, villages may employ a certified public accountant to make an audit or they may use the public examiner for this purpose. By charter, cities may compel an audit each year or periodically and may provide for such an audit by any person they designate. Cities are also subject to the law providing for examinations by the public examiner upon the initiative of the council or petition of interested freeholders. Publication of the annual financial statement in villages is prescribed by law. In cities, whatever annual reports and whatever publication of the reports is desired may be included in charter requirements.

(18) Advertising. The only provision for the use of municipal funds for advertising in villages is under the law authorizing a levy for this purpose after a popular vote with a maximum of \$1,000. Cities may make whatever provisions they wish in the charter except that the funds may be spent only for a public purpose.

RLM: 5-24-40

Revised DOB: 10-20-44

Revised OCP: 11-13-47

Orville C. Peterson
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SOME SUGGESTIONS ABOUT

CONSTITUTIONAL PROVISIONS ON LOCAL GOVERNMENT

(A summary of remarks made to the state and local government subcommittee of the Minnesota Constitutional Commission, January 22, 1948, by C. C. Ludwig, Executive Secretary, and Orville C. Peterson, Attorney, League of Minnesota Municipalities).

I. General Comments on Local Government Sections of the Constitution.

- A. The "home rule idea" -- the plan of allowing any municipality to frame a charter for its own government -- embodied in the Minnesota Constitution, Article 4, Section 36, is a desirable one and should be continued.
- B. Our municipalities are not taking full advantage of the home rule right.
 1. Charters are not scrutinized and changed as frequently as they should be.
 2. Some municipalities have taken the easier way of charter amendment by securing special legislation from the state legislature.
- C. To encourage increased use of the home rule process, both positive and negative constitutional approaches are needed.
 1. Restrictions against use of special legislation should be rewritten to make them work.
 - (a) Some device should be inserted to insure compliance with constitutional restrictions or to discourage use of the special legislation method.
 - (b) The possibility of requiring court adjudication of the constitutionality of a special act might be explored to determine its practicability.
 - (c) The constitution might require an act affecting only one municipality or a number less than a class to be submitted to the voters of the affected municipality before going into effect.
 2. As a positive step the home rule amendment should be strengthened.
 - (a) A home rule amendment should probably recognize the paramountcy of the legislature. Attempts to define municipal affairs and to exclude the legislative powers from that field cannot adequately take account of changing conditions and may result in less home rule than under the system that has been followed in Minnesota since the adoption of the home rule amendment in 1896.

- (b) Cooperation between the charter commission and the council should be encouraged; it should not be impossible for city officials to serve on the commission. (This may require only a statute to overrule the effect of the Attorney General's opinions that charter commission membership and city office holding are incompatible).
- (c) The position of the county should be built up.
 - 1. County home rule on a general or restricted basis should be authorized by the constitution.
 - 2. If this is not done (or perhaps even if it is), the legislature should be authorized to provide optional plans of county government to overcome the rigidity of the present county organization, which does not permit taking account of varying needs among counties.
 - 3. The constitution should permit city-county consolidation, or perhaps the organization of any first class city as a city-county.

II. Defects Experienced in the Present Home Rule Provision of the Constitution.

- A. Selection of the board of freeholders by the district court often results in an unrepresentative commission and provides no opportunity for the expression of popular will except upon the finished draft.
 - 1. Minnesota provision is unique among home rule states.
- B. Vote requirements for original charter and amendments need change in several particulars.
 - 1. There is no good reason for a distinction between original charters and amendments. (The constitution now requires a four-sevenths' vote on the former and three-fifths' on the latter).
 - 2. The majority should be calculated on the basis of votes cast on the question.
 - (a) The court has said that when submitted in connection with a state election, a charter election is a special one whether or not so designated but the rule is uncertain when a charter is submitted at municipal elections.
 - (b) Counting of all ballots cast at the election may now be required where several amendments are submitted together.
 - 3. The vote requirements are probably too high, particularly in the large cities.
 - (a) Most states require a majority of votes cast on the question and this probably should be sufficient.
- C. The provision that a charter be submitted within six months after appointment of a commission is of dubious value in a constitution.
 - 1. If a time limit is to be included, it should be directory only and not affect validity of a charter submitted afterwards.

2. It should apply only to a new charter and not to a revision. (This is the present rule by statute but its validity is now being challenged in a Minneapolis action).
- D. The constitutional provision that charters go into effect thirty days after their adoption is an undesirable restriction on the charter making power.
 1. A charter commission should be permitted to coordinate effective dates with election plans and other factors and to place certain portions in operation earlier than others.
- E. The provision for recording a copy in the Register of Deeds office requires unnecessary copying of the charter and resultant unnecessary expense.
 1. Filing requirements are matters of detail that can be left to statute.
- F. If a classification of cities is included, it should be based on the last census.
 1. The present statute providing for the addition of 5 per cent to the census population for purposes of determining the applicability of laws is indefensible in principle.
- G. The present constitution provides no method of abandonment of a home rule charter or dissolution of a home rule charter city.

III. A Suggested Outline of Desirable Home Rule Provisions.

- A. General grant of power to frame a charter for the municipality's own government, with an outline of the subjects that may be included.
- B. General outline of procedure.
 1. Creation of charter commissions.
 - (a) While this is provided in all enabling provisions, it is arguable that the creation, composition and procedure of charter commissions can be left completely to legislative enactment.
 - (b) If included, the board should probably be elective as in other states, but the legislature should be permitted to provide for the election of a whole charter commission as a unit if desired.
 - (c) The council should be able to initiate proceedings for establishment of a commission.
 2. An original charter or revision should be prepared by the charter commission.
 3. Provision should allow amendments to be proposed by the charter commission, by popular petition, or by the council.
 - (a) The council has no authority under the present constitution although many amendments originate with them.

4. The vote required for adoption should be stated in terms of those voting on the proposition and probably this should be a bare majority.
 5. Details of publication, filing copies and council responsibilities in submitting charter questions to the electorate should be left to statute and not included in the constitution.
- C. Limitations on legislative power with reference to cities may be included in the home rule amendment or in the section on special legislation.
1. Some restrictions on legislative overriding of home rule charters should be provided.
 - (a) A specific declaration that an amendment is intended to supersede a conflicting charter provision should be required.
 - (b) Possibly an extraordinary majority should be required for adopting general laws on municipal affairs affecting home rule charter cities.
 2. Cities should be classified as in the present constitution for purposes of legislation, the population being based on the last census.
 3. If the home rule provisions are readily usable by any city, the restriction on special legislation should be implemented, probably with a prohibition against a special law without popular approval in the municipality affected.

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For some specific suggestions by Professor William Anderson of the University, see the December, 1938, issue of MINNESOTA MUNICIPALITIES, pages 408-414.

For a tentative suggestion for a constitutional section on county home rule, see "Congestion in the Minnesota Legislature Caused by Requirements of Local Government", by Professor Horace Reed, University of Minnesota, in the same issue of MINNESOTA MUNICIPALITIES, pages 405-407.

League of Women Voters of Minnesota
84 South Tenth Street, Room 417
Minneapolis 2, Minnesota
December 28, 1949

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THE MINNESOTA COUNTY AND CONSTITUTIONAL REVISION

THE COUNTY - AN IMPORTANT UNIT OF GOVERNMENT

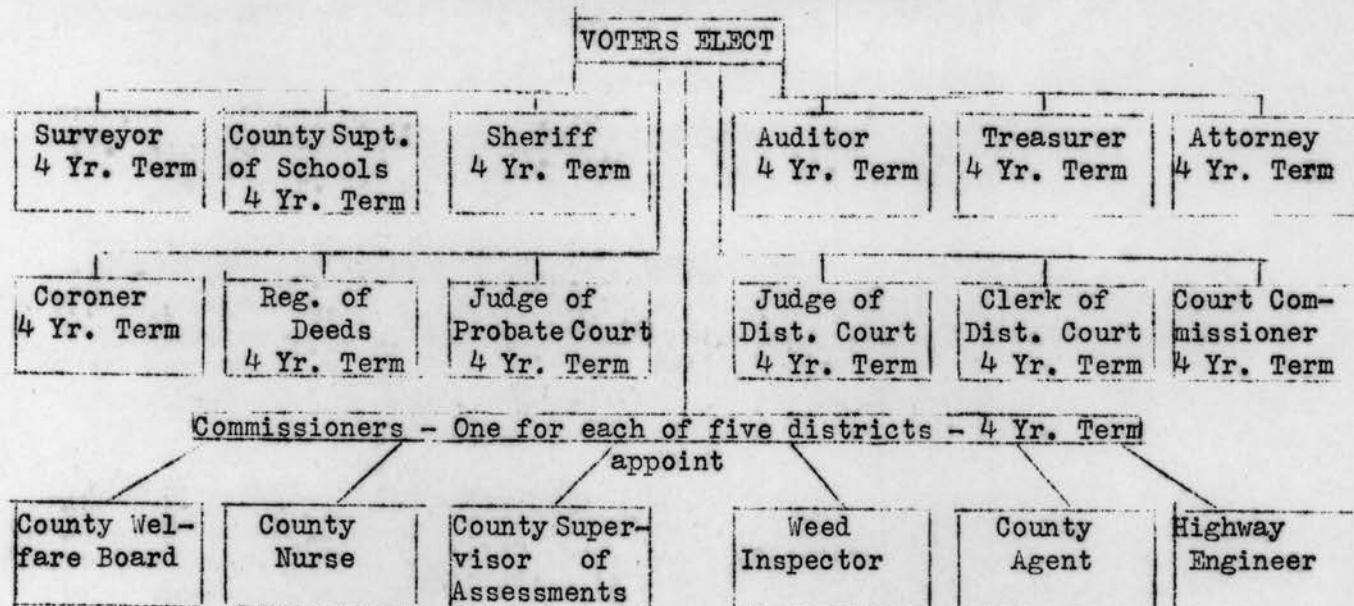
The county is a unit of government created by the Minnesota state Legislature under Article 11 of the state Constitution for the purpose of administering 1) state laws at the local level and 2) certain local functions such as roads and welfare. There are 87 counties in Minnesota.

WHY IS A STUDY OF COUNTY GOVERNMENT IMPORTANT TO LEAGUE MEMBERS?

- I. \$78,708,000 were the total revenue receipts of the counties in Minnesota from federal, state and local sources in 1947. With counties spending millions of dollars each year, it behooves us to investigate and analyze county administration and expenditures.
Question: What were the total revenue receipts and how were they spent in your county last year? Ask your county auditor.
- II. The county administers services of great importance to the citizens, such as health, welfare, probate and district courts, legal services, law enforcement, registration of deeds, tax collection, surveying, highway engineering, agricultural extension services, etc. The present national trend is toward entrusting the county with the administration of still wider services especially in the fields of public health, highways, parks, public welfare and county planning.
- III. A study of county government will reveal certain weaknesses some of which are due to provisions of our state Constitution. Any fundamental modernization of our county government must be preceded by REVISION OF OUR STATE CONSTITUTION. To know why we need change, we must be aware of present weaknesses in Minnesota county government.

THE STRUCTURE OF COUNTY GOVERNMENT

All counties in Minnesota have approximately the same form of government regardless of size, financial condition, urban-rural relationships, etc. The following chart of county government structure was taken from "You Are the Government", p. 50.

COUNTY GOVERNMENT IN MINNESOTAWHAT ARE THE WEAKNESSES OF COUNTY GOVERNMENT?I. Division of Administrative Responsibility.

No single person or group is completely responsible for county administration. The administrative power is shared by:

1. The county commissioners who have wide but by no means complete administrative power.
2. Numerous minor administrative officials elected, according to our state Constitution with no prerequisites of education or experience, share the administrative power with the county commission (see state Constitution, Art. 7, Sec. 7 and Art. 11, Sec. 4). None of these minor officials is under the jurisdiction of the county commission and may be removed only by the governor for misfeasance and malfeasance (see III below).

II. The County Government Lacks Legislative Power.

There is no ordinance-making power in the county government. The result is that much valuable time in the overcrowded state legislative session is spent in determining petty legislative details for specific counties. This practice of "special legislation" is contrary to the spirit of our state Constitution (see state Constitution, Art. 4, Sec. 33; also, "Report of the Constitutional Commission of Minnesota", Art. 11, Secs. 4 & 5).

III. County Election Lists Too Long.

The list of elected county officials includes one commissioner for each district of a county, the sheriff, auditor, treasurer, surveyor, register of deeds, coroner, clerk of courts, court commissioner (the same person may also be probate judge) and judges of the district and probate courts. The trend in modern government is toward the election of a few well chosen officials, responsible to the electorate and who have the power of appointing qualified minor officials responsible, in turn, to the appointing authority.

IV. Lack of A Complete Merit System.

Only fragments of a merit system exist in the counties of Minnesota. Under the present system of county employment, patronage with its attending evils exists.

Question: How much of a merit system exists in your county?

V. Antiquated Business Methods.

Modern business methods are lacking in some counties.

VI. Non-Integration of Services Within a County.

The responsibility within the counties for the administration of services such as health, highways, and welfare (in approximately one-third of Minnesota's counties) is divided between the county and the smaller units of government within the county.

Note: City-county consolidation is offered as a means of integrating services for the purpose of efficiency and economy. Experience in other states indicates that consolidation may not be politically feasible. However, it is possible to integrate certain city-county services such as law-enforcement, parks, planning, health and welfare for greater efficiency or to set up metropolitan districts for the same purpose.

WHAT CHANGES ARE NECESSARY FOR MODERN COUNTY GOVERNMENT?

The form of our county government is frozen into our state Constitution. Provisions for counties in our present state Constitution are brief. They have, however, been implemented by the state Legislature by means of general law. It is apparent that the state Legislature has considerable power to reorganize county government, but constitutional provisions for such reorganization are somewhat ambiguous. To clear up such ambiguities and to accomplish any fundamental modernization of county government, important constitutional revision is required. The LOCAL GOVERNMENT SUB-COMMITTEE of the MINNESOTA CONSTITUTIONAL COMMISSION has made recommendations for constitutional revision with regard to counties.

Note: See "Report of the Constitutional Commission", Art. 4, Sec. 33, Art. 7, Sec. 7 and Art. 11.

As a yardstick in evaluating the recommendations of the Local Government Sub-Committee of the Constitutional Commission, the weaknesses of county government should be kept in mind. The Commission advises a constitutional amendment which would give home rule to counties. This amendment would enable individual counties to choose charters which would solve their own governmental problems and which would make appeals to the state Legislature for special legislation unnecessary.

DID YOU KNOW THAT

Statistics show that, nationwide, only one out of every ten qualified voters vote in county elections? This lack of citizen interest is one of the very important reasons that the county is the most backward of all units of government in Minnesota, as well as in other states of the nation. Study and education of the voters concerning the importance of county government and its retarded position as a unit of government can improve this situation.

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DISCUSSION OUTLINE ON LOCAL GOVERNMENT

I. Local Government

A local government is any political sub-division of the state for which provisions have been made by law for self-government and for the holding of elections (for example: village, city, township, county, school district).

Note: For definition, classification and discussion of these forms of local government, see "You Are the Government", League of Women Voters of St. Paul, pp. 49-81 and "Report of the Constitutional Commission of Minnesota", Art. IX, Secs. 1 & 3, p. 59.

II. General Legislation

Any law passed by the Legislature affecting all the members of any class of local government is general legislation.

Note: See Art. IX, Sec. 2 of the Commission's proposals.

III. Special Legislation

Any law passed by the Legislature affecting one member only of any class of local government is special legislation.

Note: Our present Constitution prohibits the passage of such laws but many have been passed under the guise of general legislation. See Comment under Art. IX, Sec. 4 of the Commission's proposals; also note the proposal requiring local referendum before special law can go into effect.

IV. Village Government

Village government has been prescribed by general laws and takes the form of mayor-council. The council may consist of 5 members including the mayor who has no special authority other than what goes with being president of the council.

Note: Although village government is government by remote control, it has the advantage of uniformity throughout the state. See "Advantages and Disadvantages of a Home Rule Charter". Information Service of the Municipal Reference Bureau and League of Minnesota Municipalities.

V. Home Rule

The "relationship between cities and/or counties and the state in which the cities and/or the counties enjoy the fullest authority to determine the organization, procedures, and powers of their own governments and a maximum freedom from control by either the Legislature or state administrative officers". (Mott, "Home Rule for America's Cities", p. 6).

A home rule charter thus may frame any type of government which will best provide for necessary services to the community within its boundaries and which is not inconsistent or contrary to the Constitution of the laws of the state.

A. Constitutional Home Rule

Local governments are given the power to frame their own charters by the Constitution. There are today 80 cities in Minnesota operating under home rule charters.

The Home Rule Amendment was added to our Constitution in 1896 (Art. IV). It gives any city or village the power to frame its own charter and orders the Legislature to pass the necessary laws to supplement this grant.

Note: This is a mandatory provision because the Legislature must pass enabling legislation before it can take effect. A self-executing home rule provision has been proposed by the Commission in its place which, of course, does not require legislative action. See Commission proposals (Art. IX, Sec. 5).

B. Legislative Home Rule

Local governments are given the power to frame their own charters by the Legislature.

Until 1895 cities had to rely upon legislative enactment of individual special charters or govern themselves under general laws. We have, at the present time, in Minnesota 22 cities with special charter type of government. They range in size from Henderson (population - 820) to Winona (population - 22,490). All village government, of course, is set up under general law.

VI. Objectives of Home Rule

- A. To prevent legislative interference with local government.
- B. To permit local self-government by enabling cities (and/or counties) to adopt the kind of charter and government they need and desire.
- C. To provide cities with sufficient power to furnish the services demanded by the community.

Note: For further discussion, see Mott, "Home Rule for America's Cities". pp. 11 & 12.

Home rule satisfactorily provided for legally does away with government by remote control and fosters local interest and initiative; and places the responsibility and authority for performing necessary services where it belongs - at home.

VII. Advantages of Home Rule

- A. A home rule city may operate under the form of government and with the range of powers its citizens desire it to have. These are provided for in its own charter which is framed and adopted by its own citizens; thus assuring a government tailor-made to fit its needs.
- B. Whenever a change is needed or desired, the charter may be amended by the people on the spot without waiting for legislative action.
- C. The Legislature is relieved of the time-consuming and expensive practice of passing special legislation.
- D. A home rule charter arouses and maintains citizen interest and participation in government. To vote upon a charter or amendment, the voter must learn at least a little about it.
- E. A charter may provide for a sound budget system and levy new taxes not inconsistent with the state tax policy.

- F. A home rule charter city has broader powers to give service.
1. A city may assume new powers if the state has not already entered the field.
 2. Legislative interference is decreased in purely municipal matters.

Note: Background material for above section VII: Mott, "Home Rule for America's Cities". pp. 53-55.
"Advantages and Disadvantages of Home Rule Charter",
Information Service, Municipal Reference Bureau &
League of Minnesota Municipalities.

VIII. Difficulties in Operating a Home Rule Charter in Minnesota.

A. Method of Adopting Charter.

1. Our Constitution requires that a new or revised charter receive a 4/7 majority vote of those voting in the election.
2. The Constitution states also that once a charter is adopted it may never be repealed nor may a new one be passed in its place. (Supreme Court decision on Minneapolis Charter, 1948)

B. Method of Amending Charter

Our Constitution requires that an amendment receive a 3/5 majority of all voters voting in the election.

Note: This required majority is too high and it is so difficult to make changes in their charters that most cities have been forced to importune the Legislature to pass special laws (as witness St. Paul's action on the Independent School Board bill, 1949).

- C. A home rule charter must relate only to municipal affairs and may not change the boundaries of a municipal corporation. This limitation seriously affects metropolitan areas, as the city's police force, fire department and other services may operate only within the city's boundaries.
- D. There is no provision in our Constitution for consolidation of a city and a county, or for the formulation of a city-county. This would solve, in part, the problems of a large metropolitan area and provide for more and better services more efficiently and economically provided.

IX. Constitutional Provisions Necessary for Effective Home Rule.

- A. "Protect cities against the enactment of special or local laws".
- B. "Grant cities authority to frame their own charters".
- C. "Give cities powers broad enough to provide maximum services for their citizens."

Note: Mott, "Home Rule for America's Cities", pp. 6-9.

X. Suggestions for Revision of the Minnesota Constitution's Local Government Provisions.

A. Limitations on Legislative power over cities.

1. Provide that a general law may not supersede a local charter unless specifically stated in the law.
2. Require a popular referendum on any special law affecting the locality.

B. Home Rule section.

1. Provide that the grant of power be self-executing rather than mandatory (i.e., no enabling act should be required for local governments to frame their charters and that it apply to all cities or villages regardless of size and to all counties.).
2. Provide that local governments may frame their own charters and outline the subjects which may be included.
3. Provide a general outline of procedure in:
 - a. establishing a charter commission
 - b. submitting a home rule charter
 - c. adopting a home rule charter
 - d. amending a home rule charter
4. Liberalize the majority vote required for the adoption or amendment of a home rule charter.

Note: The size of the majority vote required may well be omitted from the Constitution and set forth in the charter itself; but wherever dealt with, it should not be so high. Probably a simple majority of the voters voting on the issue would be sufficient.

C. Provisions for consolidation of two local governments.

1. City-county consolidation.
2. Organization of any first class city as a city-county.

D. Provisions stating that the power to submit a home rule charter be a continuing one and that a county or city may repeal its charter and adopt a statutory form of government.

Note: See Art. IX of Commission's proposals and "Some Suggestions about Constitutional Provisions on Local Government", Information Service of Municipal Reference Bureau & League of Minnesota Municipalities.

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The starred numbers are the most helpful if you must choose.

Numbers 9 through 13 would be extremely helpful in a local project study of local government. The first seven are especially pertinent to study of the local government provisions of our state constitution.

WORKSHOP ACTIVITY ON LOCAL GOVERNMENT

Possibly you can dramatize the need for calling a Constitutional Convention best by stressing local aspects. This brings it closer to the people so it is more likely to interest them actively. This subject might well be organized by either your Constitutional Revision or Local Government Chairman.

Acquaint yourself with your form of government. Besides its structure, two other factors are important: (1) a wide measure of local control over local matters and (2) the freedom of citizens to change their existing form of government if they feel it is responsible for unsatisfactory or inefficient service.

* * *

A. Authority of Local Government

1. From what public document or documents does your local government get its authority (that is, charter, state law, or other)?
2. Over what matters does it have jurisdiction? Over what territory?
3. In what way is the authority of the local government limited? What documents or laws specify this? Does this permit an adequate degree of home rule?

B. The Power to Change

1. How are changes made in the structure and powers of the government?
2. Have any changes been made recently? How?
3. Check local officials as well as legislative representatives to learn if any special legislation, under the guise of general legislation, has been passed for your locality. Was it managerial or administrative in nature. Could it have been handled locally? Who promoted it? Why?
4. If you have home rule, have any amendments been on the ballot recently? What was the outcome? If they were defeated, were any brought to the legislature? Who sponsored them? Why?
5. Have government salaries been changed recently? How was the change made? Did you have a chance to vote on the change?

C. Relations with Other Governments

1. What other governments, besides the municipal government, regulate local activity? For what purpose generally?
2. Is your community the dominant governmental body in the county - relative to population, industry, etc.? How are you represented in the county governing body in proportion to the rest of the county? Are you fairly represented?
3. In what class is your municipality?
4. How are the citizens of your community represented in the state legislature? Is this in fair proportion to their population?

* * *

When you have completed this survey of your local government, check and evaluate your answers against the League material and the local government provisions in our present constitution. What's the answer? Are those provisions in your case "restrictive" or "enabling"?

If you have found them unduly restrictive, then this is your chance to really dramatize the need for a change. Bring it close to home and the people will act.

The movement of people in America to metropolitan centers, the burgeoning of suburbs, the rapid communications that link the localities, and a score of other factors that make it impossible for towns and cities to function as isolated units—all these are putting new stresses on local home rule and local government. State-local relations are affected profoundly. In the following paper William N. Cassella, Jr., of the National Municipal League, cites outstanding examples of recent change in this area. He suggests principles that may apply in meeting current problems, with special reference to home rule law, state-local cooperation, local boundaries, and "the emerging 'municipal' county." The present article is based on a more detailed presentation by the author to the American Political Science Association in Chicago last September.

State-Local Relations

Recent Trends and Fundamental Questions

By WILLIAM N. CASSELLA, JR.

THE GREAT strength of the American system of federalism lies in its capacity to reconcile national needs and central authority with diversity of local needs and conditions and demands for local initiative and autonomy." This is the statement which opens the section on major intergovernmental problems in the report of Project East River concerning civil defense. It is a truism as old as the republic, stated in the context of man's most elemental challenge—physical survival—now placed in extreme terms by the scientific genius which produced the atomic age.

We are incredulous as we contemplate the awesome totality which is the destructive force of the hydrogen bomb. Our imagination is staggered when we think of the revolutionary effects which may come with the peaceful uses of atomic energy. Often we seem to lack the confidence and determination demonstrated in the physical sciences when we face up to the problems of political science. However, we generally agree that, as a prerequisite to their survival, the institutions of popular government must be strengthened in all their dimensions.

Surely a fundamental re-evaluation of the interrelationships of the elements in our governmental system has assumed a degree of urgency never before realized.

The deceptively simple three-level, compartmentalized analysis of federal-state-local relations has quite generally been discarded as naïve and unrealistic. It is particularly necessary that we understand what these interrelationships actually look like, that we discover correctives where weaknesses are found and that we proceed without delay to apply them where needed.

Metropolitan government itself is a concept which plays havoc with a static theory of federalism. Yet it must be rendered strong if our domestic order is to exhibit strength which is more than a façade built upon legal fiction and prejudice. To strengthen our metropolitan governmental structure and, for that matter, the role of local government generally, it is necessary for us to reexamine the whole fabric of state-local relations. Such a reexamination is the necessary corollary of the reappraisal of the relationships of the national government to the states and to the localities.

New Interest in Home Rule

DURING the postwar period we have seen an increased interest in the home rule principle. The addition of three states, Rhode Island, Louisiana and Tennessee, has brought the total of what we might call *bona fide* constitutional home rule states to twenty-two. In the November election Maryland voted on the question of extending the privilege of home rule charter adoption to all its cities, towns and villages. At the 1955 session of the Indiana legislature a home rule amendment will be up for second passage, and if this is achieved it will be sent to the voters at the general election in 1956.

We can be encouraged, moreover, by the attention to local reorganization given in recent years by charter commissions operating under constitutional home rule provisions, or by the more imaginative expressions of state legislatures. It shows that there is reason for belief that we can further strengthen and realign our local institutions, that we do have the capacity for political invention.



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