



League of Women Voters of Minnesota Records

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Amendment

November 20, 1953

Mrs. William Lee
Granite Falls, Minn.

Dear Mrs. Lee:

We are in receipt of your letter of November 4th enclosing information on the proposed constitutional amendment with reference to revision of jurisdiction of Probate Courts in the State of Minnesota, and also copy of your letter to the local league presidents soliciting support for this item, which we were very glad to receive since it is important that State Boards be kept informed on league thinking. For this reason it has been recommended that any circularization of leagues by leagues enlisting support of program suggestions or emphases be cleared through state boards.

While this particular item was not included as one of the emphases voted under the Constitutional Revision program at the convention last May, you could very well promote membership consideration and recommend it at the Council Meeting in May as a program modification.

Thank you for calling this matter to our attention, and sending the material to us.

Sincerely,

Mrs. Basil Young
President.

cc: Mrs. E.E. Dickinson,
President

VOTERS SERVICE

1953
1954

Constitutional Amendments - A broadside is usually presented on these (see enclosed). Work on the explanation should begin immediately after the legislative session because this is a very long and difficult task.

Questionnaires for State Candidates. The Questionnaire (see attached) should be prepared in the ~~summer~~ spring before election. The 1st page only is used for candidates for non-legislative office; the 1st and 2nd pages are used for gubernatorial and legislative candidates.

When filing opens, the questionnaire should be sent to candidates as they file. The Board should decide whether they want the questionnaires to be sent thru registered mail and whether they want to include stamped, addressed envelopes. This hasn't been done in the past and we have had good response. Perhaps a second registered letter could be sent if the response is not received in a reasonable amount of time.

A letter to go with the questionnaire should be prepared in the spring. Make it flexible so that it can be mimeographed.

in July.

A copy of the legislative questionnaire should be sent to local Leagues. Some arrangements must be made so that Leagues in same legislative district do not all send questionnaires to candidates. Leagues should order the number of questionnaires they want. Questionnaires are free.

~~xxxxxxxx~~ haphazard

In investigating, we find that printing all the information on the questionnaires would be much cheaper than mimeographing. This would probably not be possible for the primary election.

Questionnaires to Congressional candidates have been sent to local Leagues, ~~in~~ with assignments made by the state. A better response might be had if questionnaires were sent directly to representatives. The state Board has always sent questionnaires to U.S. Senatorial candidates.

AMENDMENT NO. 2 SPEECH

Election time is almost here and by now you've probably heard your fill of campaign talk, speeches and promises. I didn't come here to talk about politics -- I came to talk about Amendment No. 2 and what its passage will mean to you and your community.

Amendment No. 2 is non-political, non-controversial and non-partisan. It's on the pink ballot because it will benefit every citizen in Minnesota. There is no anti-Amendment No. 2 faction. Its passage won't benefit one special group. The only problem with getting it passed lies in letting the voters know just what Amendment No. 2 is. If that can be done, the Citizens' Committee for Amendment No. 2 is confident the measure will be passed.

First, what is Amendment No. 2? Well, it gives the 1955 Legislature authority to remove the double liability now imposed on stockholders in Minnesota state banks. That word "double liability" means this: If a state bank in Minnesota should close and could not redeem its currency, all stockholders would lose their own stock and be liable for an additional sum equal to their holdings to cover the currency as well as the bank's deposits. It boils down to the fact that a stockholder could lose just twice as much as he put in.

So what happens, you may ask, if double liability is removed? Nothing. It was back in Civil War days when double liability was put in our state constitution. Then state banks issued their own currency for public use as money. Because of this double liability was set up to provide protection for the state bank currency and to secure deposits. State bank currency was discontinued long ago, but double liability remains in two states -- Minnesota and Arizona -- as outdated as the horse and buggy.

Today, this rusty remnant of the past is, in the words of Charles Wenzel, our state banking commissioner, a "disservice rather than a service." Double liability on state bank stock serves to discourage its purchase as an investment. Consequently it keeps down capital when it is so badly needed today. The generally low ratio of bank capital to total deposits is a natural outgrowth of inflation rather than

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through fault of the state banks. The earnings of two world wars caused bank deposits to soar but because bank stock was not a popular investment medium at the time, it couldn't keep pace with the growing deposits. While bank capital has grown somewhat in the last few years, we should try to make the climate for bank stock investment as healthy as possible.

Why is this so necessary? The state bank is the financial hub in every community. It makes loans to many, many persons in the community every year for houses, cars and other necessary items for every day living. And with the inflation today it takes more dollars to transact the same business. This means more borrowed dollars. But take a bank where the capital is not up to par, as is the case in so many Minnesota banks where double liability operates against sale of stock. These banks cannot serve their communities as they should and would like to.

That's why Amendment No. 2 is so important to all of us. Any encouragement to increase local bank capital will increase the efficiency of community service by every bank. There also is another reason why double liability is a detriment.

Seventy-four per cent of the banks in Minnesota are state chartered. They operate along with the national banks in what is known as a dual banking system. This dual system has grown out of our governmental organization of state and federal governments. We have dual systems of courts, penal institutions, highways and so on. This setup provides a method of checks and balances and that is the case with the dual banking system. Through competition it promotes efficiency and fairness, both for the good of the public. But if one set of banks is granted powers or privileges that the other does not have, our dual system is thrown out of balance. That is the case where double liability operates.

National banks were relieved of double liability in 1937. Since double liability has been relieved for them, state bank stock should also be relieved from this double indemnity. Most of Minnesota's national banks recognize this and are supporting Amendment No. 2 as being good for banking and the public. I think we are all jealous enough of our states rights to keep our dual banking system from

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becoming lopsided.

To emphasize again why cancellation of double liability is important, I'd like to make these points:

One: It will modernize banking in our state and consequently benefit the public.

Two: It will improve the marketability of bank stock and make it more acceptable to investors.

Three: It will increase depositor protection by encouraging larger capital ratios in banks.

Four: It will increase bank service because of broader coverage through large capital accounts.

Five: It will put state and national bank stock on an equal basis to help preserve dual banking, and

Six: It will relieve the innocent investor in bank stock from possible double assessment actions.

Amendment No. 2 has general public support and the Legislature realized the situation when it passed an enabling act to put the measure before the voters. Individuals prominent in agriculture, industry, educational and civic groups are lending their names to this campaign.

A constitutional amendment requires a majority of all votes cast in the general election to pass, not just a majority on the amendment itself. If someone does vote on the candidates and does not vote on Amendment No. 2, that ballot counts as a vote against the amendment. That is why we want everyone going to the polls Nov. 2 to remember: "Vote for Amendment No. 2, it's good for your community and for you."

Thank you.

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AMENDMENT NO. 2 RADIO TALK

Voters in the general election next November second will have an opportunity to aid the growth of every Minnesota community and to put our state on a sound financial footing. This chance will come in the form of a "yes" for Amendment Number two on the pink ballot. This amendment not only modernizes our state constitution but also provides a solution to a serious problem facing our communities and their banks today.

Amendment Number two gives the 1955 Legislature the power to remove the double liability now imposed on stockholders in our state banks. Let me give you an example of double liability. Let's say that John Smith owns 50 dollars worth of stock in the Hickory State Bank in Minnesota. According to the present state constitutional provision, it doesn't matter how much he has invested for depositor protection -- if the bank is unable to meet its obligations, he will be out his own 50 dollars and also be liable to the bank's creditors for an additional 50. That's double liability -- a stockholder in a state bank may lose not only his own stock in such a case but also can be sued for an equal amount by its depositors.

How many persons will invest in a bank if they stand to lose twice as much as they put in? The situation would not be so serious if only the stockholder was hurt, but in Minnesota, every citizen in every community is being affected by double liability. Because of this regulation, as outdated as the horse and buggy, banks in this community and all over the state are unable to play their proper role in civic development.

First, some background on double liability. In the days when banks were founded on a cracker barrel and went out of business as often as they were successful, depositors demanded some sort of protection. They had reason -- each bank issued its own currency and investing in most of them was risky business. Double liability was set up to meet their demands and, for lack of something better, satisfied depositors. However, state banks have changed considerably over the years. They have come a long way from the cracker barrel, fly-by-night affairs of a hundred years ago. They no longer issue currency, for instance. State banks are noted for their efficient, modern service and for their dependability. Sound, honest management plus close

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government supervision make state banks a stable and vital part of every community.

In 1933 the Federal Deposit Insurance Corporation was set up to protect depositors in insured state banks up to 5,000 dollars and now that amount has been raised to 10,000 dollars. Stockholders in more than 98 percent of Minnesota's state banks pay a premium to give depositors this security. State banks are voluntarily investing more and more of their deposits in municipal, state and government bonds. The protection afforded a depositor in a state bank today, without double liability, is more than sufficient to warrant removal of the regulation. If double liability were only outdated and causing no harm nor good, there would be no reason for my talking to you. The fact is, however, double liability is hurting every person in Minnesota. That is why Amendment Number two is important to every voter in the state. Everyone, from the stockholder in a state bank to the man buying a car on a bank loan, will benefit by its passage.

Here is why. Take a look at Hickory, Minnesota, again. It is expanding as so many communities in our state are today. A taconite plant is going up nearby, more people are moving in and stores are springing up. The Hickory State Bank finds its deposits growing, and, following sound banking practice, its officers would like to sell more stock to protect the increased deposits. But they can't because investors are unwilling to take a chance with double liability. So, to adequately protect depositors, the bank is forced to limit its credit, service and financial aid to the community.

Some places are without any bank at all because investors don't want to submit themselves to double liability penalties. I don't just mean bankers when I say "investors." I mean the farmers, merchants, professional men and housewives who invest in a new bank, in many instances not because they expect to make a lot of money but because they want their community to have a bank. Is it right to expect these civic-minded persons to be responsible beyond the amount of their own investment in a situation over which they have no control? Life insurance companies hesitate to invest in banks where they may become entangled in double liability. So,

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life insurance policy holders, and that includes most of us, don't get that extra benefit.

Double liability is harmful in still another way. Estates up for liquidation often hold bank stock and sale of these stocks is difficult because of the unjust condition placed on their ownership. Often, second and third generation stockholders find themselves holding double liability stock which become a hindrance rather than a help through no fault of their own.

Because of these considerations, it isn't surprising that the move is away from double liability today. Forty-six states, all except Minnesota and Arizona, have discarded it. Two years ago Illinois and Oregon eliminated the regulation. As early as 1937 Congress removed double liability for national banks, realizing that depositors had adequate protection through FDIC insurance and other means. This is the move which has caused a serious situation in this nation's dual banking system.

The dual banking system is on a competitive basis -- national banks versus state banks. The organization is ideally suited to our country's political structure of co-existing federal and state governments. National banks serve a broader, more generalized area while state banks are concerned with the individual locality. Both systems are necessary to serve the differing needs across the nation. Besides promoting efficiency and fairness through competition, the two act as a check and balance on each other. The dual banking system also provides double protection in times of national crisis. The adage "Don't put all your eggs in one basket" explains pretty well the value of the dual banking system.

The state of Minnesota exercises its states rights by maintaining a high degree of control over its state chartered banks. Seventy-four percent of the banks in Minnesota fall in this class. Double liability is discriminating against these state banks, reducing or completely eliminating the competition between national and state banks. Investors naturally shy away from our state banks. It is unfair and unwise for Minnesota to discriminate against its own state chartered banks and still expect them to maintain the same standards found in 46 other states. States rights,

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as represented by the equal state banking system, are being subordinated because of double liability.

Amendment Number two corrects this situation. It will give Minnesota communities new life and open up new avenues of investment and expansion. Double liability is clearly outdated besides being discriminatory against an essential part of our state economy. A "yes" for Amendment Number two is a vote for modernization and a vote for states rights. It is a vote for greater community development and for progress. The amendment itself is non-controversial and non-political. Amendment Number two has the approval of the Hon. H. E. Cook of Washington, D. C., the Chairman of the Federal Deposit Insurance Corporation and the Hon. Charles M. Wenzel, Minnesota Commissioner of Banks.

Help yourself and your community. Vote "yes" for Amendment Number two on the November second pink ballot.

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Mrs. Young
Granite Falls, Minnesota.

November 4, 1953.

State Board,
League of Women Voters, of Minnesota,
84 South Tenth Street, Room 406,
Minneapolis 3, Minn,

Attention Mrs. Wilson, Secretary.

Dear Mrs. Wilson:

At Mrs. Dickinson's request I am mailing you herewith several copies of the material sent out recently to the leagues of the state. I had intended to see that one was sent to you but overlooked it, quite unintentionally.

If you desire additional information on this subject, when it comes up for discussion by the Board, I would be very glad to appear before the Board and answer any questions. We have been working on this court reform program for many years, and there are many aspects which cannot be covered by such memoranda.

Very truly yours,

Mildred B Lee

(Mrs. William Lee)

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Mrs. Young
Board mtg.

November 5, 1953

Mrs. William Lee
Granite Falls, Minnesota

Dear Mrs. Lee:

We are in receipt of your letter of October 24th. The problem you present is certainly an important one.

We are referring your letter to the League of Women Voters of Minnesota for their consideration. I am sure they will let you know whether or not it is possible for us to give support under the scope of our present program for Constitution Revision.

Thank you for bringing this to our attention.

Sincerely,

Mrs. John K. Donohue,
President

CC: State Office

Granite Falls, Minnesota;

October 24th, 1953.

Dear League President:

I am writing you as President of the League of Women Voters in your community, and also as one League member to another, asking your support for Amendment No. 1 to the State Constitution which will be submitted to the voters at the next general election.

The purpose of the Amendment is to enable the legislature to revise and improve the Probate Juvenile Court system in Minnesota. The enclosed material will give you some of the reasons why this is necessary. The problem of juvenile delinquency is with us, whatever its causes, and the present system of rural Juvenile Courts is woefully inadequate as an agency for the handling of juvenile delinquency problems and juvenile rehabilitation.

Mr. Lee, who has been a Judge of Probate for more than 16 years, has spent the last ten years in a campaign for improvement of the Probate Juvenile Courts of the state in the public interest. In that time many reforms have been effected. Rights which protected children accused of law breaking have been restored to them, and the Youth Conservation Act was passed. But further reforms are hindered by the constitutional restrictions which Amendment No. 1, would remove. The amendment has the endorsement of the state bar association, but many Probate Judges are indifferent, or opposed to any change. It is quite evident that some judges turn young lawbreakers, or those accused of lawbreaking, over to the justice or municipal courts, and have little interest in their rehabilitation.

The amendment submitted last year did not have the support of the League of Women Voters, because it had not been studied or endorsed. I am asking you, therefore, to take the matter under consideration and recommend it for study and endorsement by the League.

Very truly yours,

Mildred B Lee

(Mrs. William Lee)

Proposed Amendment No. 4 to the Constitution of the State of Minnesota is offered to the voters for the purpose of enabling the legislature to revise and enlarge the jurisdiction of the Probate Courts of the state and also to prescribe, if advisable, the qualifications required for the office of Judge of Probate.

The constitutional provision creating the Probate Courts specifically limited their powers. It gave them jurisdiction over estates of deceased persons and persons under guardianship and restricted further jurisdiction except by constitutional amendment. In spite of this constitutional limitation, the Probate Court is now exercising such additional powers as that of commitments of mentally ill or retarded persons to state institutions and commitments in matters involving neglected, dependent and delinquent children and other powers not contemplated by the constitution. Adoption of the proposed amendment will enable the legislature to clarify, by law, the jurisdiction of the Probate Court and bring the present practices of the Probate Court within the scope of Constitutional authority and further enable the legislature, by law, to revise and raise the standards of the Probate Courts.

At the time the constitution was adopted, the population of the state was small and the judicial system, set up by the framers of the constitution, seemed ample for its needs. Changes in conditions have made changes in the system necessary. Provisions for other state courts have been elastic enough to permit the necessary revision and expansion, but the restrictive clause applying to the Probate Courts has prevented development and expansion of the court to meet urgent needs.

This amendment has the endorsement of the State Bar Association.

THE MINNESOTA PROBATE-JUVENILE COURT

An Analysis and Suggestions for Its Improvement.

By William Lee, Probate Judge
Granite Falls, Minnesota.

At the next general election Minnesota voters will have an opportunity to vote upon Constitutional Amendment No. 1, which, if ratified, will enable the Legislature to enact legislation revising and raising the standards of the Probate Courts. A similar amendment was proposed and rejected by the voters two years ago, probably because the reasons for the amendment were not fully understood. It is the purpose of this article to make those reasons clear by an analysis of the present Probate and Probate-Juvenile Court.

As a consistent advocate of Probate-Juvenile Court reforms over a period of many years I shall try to explain why Amendment No. 1 will bring about a long overdue reform. It is my intention simply to evaluate and criticize the Probate-Juvenile Court system and not to find fault with any particular probate judge.

According to statistics juvenile delinquency in the United States has increased in the last twenty-five years to such an extent that it is a grave national problem. This increase is reflected in Minnesota where for the last ten years public concern over the problem has given rise to various programs, movements, public conferences, discussions and plans for development of both preventive and corrective measures. But to date far too little attention has been directed toward improving the one agency most closely connected with and indispensable to the correction and rehabilitation of juvenile offenders - the Juvenile Court system.

Minnesota is perhaps unique in that it has a dual system of Juvenile Courts: one kind of court for rural areas and another for the large cities. This strange state of affairs, which would not be tolerated in any other part of our court system, came about as the result of a legislative act of 1917 creating special courts for children and minors under eighteen years of age. The act provided that jurisdiction over offenses committed by such minors should, in the cities of St. Paul, Minneapolis, and Duluth, be vested in District Courts specially designated for the purpose, and in the rural districts the Probate Courts should have such jurisdiction. To illustrate the difference between these two courts, it should be noted that District Courts are trial courts, with legally trained judges presiding, which have no jurisdiction over guardianship matters, while the Probate Courts are purely administrative courts of specialized jurisdiction, restricted by the Constitution to matters involving "the estates of deceased persons and persons under guardianship, and no other jurisdiction". The judges of the Probate Courts need not be "learned in the law" and seldom have any legal training.

The District Juvenile Court of the cities was equipped, staffed, and provided with all necessary personnel for carrying out its work in the correction and rehabilitation of juvenile offenders, but no provision was made for the Probate-Juvenile Judge, either in the way of personnel or rules of procedure. Regardless of his background, personality, or training the probate judge thereupon became in effect both a trial judge with power to determine the future of a young human being, as well as investigator, prosecutor and jury in juvenile court cases. In order to clothe the Probate Court with this additional power in spite of the specific restriction limiting its jurisdiction to estates and guardianship matters, the commitment of a child to an institution in Juvenile Court was construed as a "guardianship" in rural areas and as something quite different in the large cities. In view of the fact that, until quite recently, the Probate Court lost all control over the supposed "ward" once the commitment was made, and such commitments had none of the characteristics of a guardianship, it is plain that this construction was rather far-fetched.

For a number of years the defects of the system were not apparent, owing possibly to the fact that in an earlier, more disciplined era much of the juvenile delinquency cropping up in rural areas was dealt with within the family circle. But during those years there were exceptional cases which pointed up the inadequacy of the Probate-Juvenile

Court. The welfare movement was then in its infancy, and the belief then current seemed to be that commitment to institutions solved all problems. Finding it sometimes difficult to put this policy into practice the state welfare department sponsored legislation which withdrew from young offenders many of the rights enjoyed by adult lawbreakers under our Bill of Rights, such as the right of appeal, of jury trial, and the benefit of free counsel. All these rights were lost to minors during these years in order to make it easy for the rural probate judge to commit juveniles to the state institutions. This policy resulted in much injustice, since a commitment to a state institution meant removing the child from home and family for a long period of time.

The Juvenile Courts of the cities were able to have all the facilities necessary for the work, such as trained workers, probation officers, and intermediary detention institutions for minor or first offenders. But the rural probate-juvenile judge had no assistance and no facilities whatsoever. If a child was brought into court and found to be delinquent, the probate judge had two courses open to him: he could admonish the child, warn him, reason with him, and then release him to his parents subject to such supervision as the Court could give, or he could commit the child to the state training school, in which case the child could be kept in what was actually a penal institution until he became of age. The percentage of children rehabilitated under this system was, understandably, small. The graduates of the training school too frequently matriculated at the state penal institution.

The practice and procedure in the Probate-Juvenile Courts were left entirely to the individual judges. In Probate matters procedure is carefully prescribed, the law is plain, so that probating of estates and administration of guardianship matters is largely routine. The judge cannot go far wrong. Also, the estate is represented by counsel. But in the Probate-Juvenile Court, where the future of young citizens was at stake and their personal liberty in danger, neither the judge - who was often a layman with no knowledge of the law - nor the young offender had the benefit of an attorney's advice. In some cases the county attorney would initiate the proceeding against the child, and then would be required to represent the alleged delinquent as his attorney. Hearings were supposed to be secret, and a child might be pronounced delinquent upon the testimony of the complaining witness alone, and committed for a very minor offense to a long period of incarceration in the state training school.

Until 1942, the Probate-Juvenile Court was not considered a factor of any importance in the field of juvenile correction and rehabilitation. The number of cases of juvenile delinquency was small, and in the eighty rural counties of the state the average cost of the court per year was about twenty-five dollars. In many counties the problem was completely ignored. It became apparent to me, from my experience in Yellow Medicine County, that something was wrong with the system, and I began a study of the situation, after which I resolved to try to improve it.

The first step was of course to arouse the judges of probate and lawyers of the state to the fact that all the rights guaranteed to the adult under the Constitution had been taken away from juvenile offenders. Once a juvenile commitment was made it could not be reviewed or appealed whatever the circumstances. But a surprising number of the judges were uninterested in this situation, and even opposed to any change. Step by step, however, these rights were reinstated as the lawmakers realized the need for them.

A great forward step was taken when the Youth Conservation Act was passed in 1947. By that time the public was convinced that juvenile delinquency had become a serious problem, but the role of the Juvenile Court in the correction and rehabilitation of delinquents was and is not yet fully understood. The Youth Correction Act provided rural probate judges with some of the help they needed. Now, instead of committing the child to an institution, he may be committed to the Youth Conservation Commission, where his case will be studied and proper corrective measures undertaken by trained workers. Nevertheless many judges of probate have bitterly opposed the passage and administration of the Youth Correction Act, and others ignore it, or pass on to Justice and Municipal Courts the problems of juvenile delinquency which appear in their counties. The Youth Conservation Commission provides probation

service and practical institutional and correctional facilities which can be of the greatest help to probate-juvenile judges if they are willing to cooperate.

Judges of Probate are elected in the same manner as county officers, no particular qualifications being required. Although the probate judge may be called upon to pass upon questions of law and determine matters pertaining to titles to land he need not be a lawyer nor learned in the law. Farmers, grocery clerks, lawyers, retired bankers, a doctor, teachers, newspaper men, a patent medicine salesman, and the ordinary run of local politicians have held this office. In some cases the office has been inherited by wife or daughter along with other assets of a deceased judge of probate, it being assumed, apparently, that anyone is competent to hold this important office. Nor is age a bar, for frequently a judge of probate is elected, or continues to hold office, long after his faculties are seriously impaired. The fact that the rural judge of probate will have to deal with problems of juvenile delinquency is not taken into account, although this part of the work of the probate judge is growing daily more important.

Thus it happens that some counties will have a Probate-Juvenile Court which is an effective agency for the correction and rehabilitation of delinquents, while others have Juvenile Courts which function rarely if at all. Every effort to cure the situation and raise the standard of the court has so far been defeated by the indifference or active opposition of a large number of probate judges.

The function of a juvenile court is primarily to determine the need for correction, based upon facts fairly presented, and to provide for and supervise the rehabilitation of the boy or girl found to be in need of it. The District Juvenile Courts recognize this fact and carry out their function under existing laws; but the rural Probate-Juvenile Courts are losing sight of this objective, for they are being bombarded by advocates of prevention programs, welfare programs, rehabilitation programs, mental health programs, and other theoretical aids which divert attention from the real function of the court. The true purpose of the court, and its needs, are neglected in favor of abstruse arguments on these subjects, as if it were possible to become a psychologist or psychiatrist in ten easy lessons.

The District Juvenile Courts have a uniform system of practice and procedure in keeping with the purpose and dignity of the Court, but procedure in the Probate-Juvenile Courts is remarkable for its variety. Each Probate-Juvenile Judge determines the kind of Juvenile Court the county will have and the procedure to be followed in it; and since less than half the judges have had any legal training the result is utter confusion. The need for a uniform system of practice and procedure is not recognized and as yet no effort whatsoever has been made toward unifying the more than fifty-seven varieties of probate-juvenile practice.

The role of the Probate Court in the prevention of juvenile delinquency and crime can only be one which will increase the effectiveness of the court and make it a more efficient and reliable agency for the rehabilitation of delinquents, and as a possible deterrent because of such efficiency. Any attempt to involve the court in programs carried on in the field of prevention is bound to destroy its usefulness. The court was not intended to be and cannot consistently function as a social welfare agency for the prevention of delinquency except insofar as it effectively administers its own program of rehabilitation and probation for juveniles who have crossed the line and become delinquents.

For some time past a movement has been under way to bring the probate-juvenile court into the social welfare field. Several times each year the judges of probate are asked to attend conferences at which they are instructed by experts on problems of mental health, psychology and psychiatry, despite the fact that it is not the judge who passes upon the question of mental illness in his court, but the examining doctors whose extensive medical training qualifies them for this duty. What is expected of the judge with reference to mental health hearings is simply the application of good common sense and willingness to heed the advice of people who really know what they are about. If expert psychological or psychiatric services are required the probate judge should bear

in mind the oft-proved truth that "a little knowledge is a dangerous thing", and refer the case to the proper state agency which is equipped to render this service.

In some counties the probate judges engage in other work and leave the administration of the Probate Court work to employees. Granting that salaries are not, by present standards, more than adequate, the Probate Court is now too important an office to be simply an adjunct to some more lucrative activity. Newspaper editors have served as probate judges, and lawyers have continued to practice while so acting. There should also be compulsory retirement for judges when incapacitated by age; there have been judges who have continued to hold the office long after age had rendered them valueless to the office.

Many judges of probate are handicapped in their work by lack of room. In some counties they have only one room and this must be kept open to the public as in the case of other county offices. In this limited space the work of the probate office goes on, with people coming and going, seeking and giving information; and there the judge must hold his mental hearings with the attendant doctors, relatives and attorneys, also his Juvenile Court hearings which are equally attended. All this in full view of the public although the law requires such hearings to be held privately.

There can be no question but that the present Probate-Juvenile Court system in Minnesota should be abandoned in favor of a more equitable, effective and uniform system of rural Juvenile Courts. This is strictly a Minnesota problem and cannot be solved except by complete reorganization. There will be disagreement as to how this can be done, but I believe there are two possible ways of accomplishing it. The entire rural area now served by Probate-Juvenile Courts could be divided into Juvenile Court Districts, each district to have a full time district judge. Or the present Probate-Juvenile Court could be revised so as to enable it to function as a part of the judicial system rather than as a social welfare agency. A movement to adopt either of these plans, or any other, will be opposed by the probate judges until such time as they can be convinced that the Probate-Juvenile Court can best serve its purpose in each community by scrupulous attention to the exercise of the powers and performance of the duties required of it by law.

If Amendment No. 1 is passed it will be possible for the legislature to improve the situation by extending the jurisdiction of the probate courts, or by consolidation, provision for additional facilities, or other means, and by prescribing qualifications for probate judges. The present law making the Probate Court also a Juvenile Court is at best a makeshift one, and present conditions require far more effective rural juvenile courts than we now have in Minnesota.

Dated October 20, 1953.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406

MINNEAPOLIS 3, MINNESOTA

Atlantic 0941

January 8, 1954

The Honorable Edward Thelen
Probate Judge, Washington County
Stillwater, Minnesota

Dear Judge Thelen:

Thank you so much for your letter of December 11th, together with your statement of explanation of the proposed Constitutional Amendment relating to the office of Probate Judge, to be submitted to the voters at the next General Election.

The League of Women Voters of Minnesota has long been interested in Constitutional Revision, believing that it is basic to the solution of so many of our problems, including our most difficult amending process. As its 1953-55 program, it will work for the calling of a Constitutional Convention, and will make recommendations as to what a new Constitution should contain.

While the Probate Judge ^{matter} ~~amendment~~ is not one of the ^{specific} ~~items~~ scheduled for study by our last Convention ~~for the biennium, under our program~~, we have always made it a practice to furnish information to our members and the voters on all the amendments ~~just~~ prior to the election, and are therefore very glad to have information on this very important matter, and know there is a great deal of interest in it throughout the state.

Sincerely yours,

Mrs. Basil Young
President



Affiliated with the
League of Women Voters of the U.S.

Pass on
to Mrs.
Klein

Done
sent to
B. Young
E. Young
no St. Paul
C. Klein
under our
program
for the biennium

This is my last sheet
will you retype &
send out

Thanks.

and I am therefore
re-issuing statement

15-y

COURT SETUP FOR JUVENILES INADEQUATE.
PASSAGE OF PROPOSED CONSTITUTIONAL AMENDMENT #1 URGED.

May I, as the Probate-Juvenile Court Judge of Washington County, of twenty-three years experience, state why Probate-Juvenile Judges urge the passage of proposed Constitutional Amendment #1?

Under the Juvenile Court Act, Juvenile Court functions and duties are vested in the District Court in Ramsey, Hennepin and St. Louis Counties and in the Probate Courts in the other eighty-four counties of the State. It is necessary to remember that the jurisdiction of Probate Courts is limited strictly by the Constitution, to "estates of deceased persons and persons under guardianship". The Probate Courts do not have any civil or criminal jurisdiction, not even the civil or criminal jurisdiction of the Justice of the Peace. The Probate-Juvenile Court then is merely a Court of correction, having no power to punish, and no authority over persons contributing to the neglect, dependency or delinquency of youth. In extreme cases of delinquency, the Judge may

- (1) Commit the delinquent to the Youth Conservation Commission, or
- (2) Direct the County attorney to proceed against the youth in a criminal action.

In the Juvenile Court, the youth does not get a criminal record, his law violation being construed merely as a delinquency. When his matter is turned over to the County Attorney for action, he does then get a criminal record, which is a black mark against him, should he enter college or go into the service. When the County Attorney is directed to proceed against the child, the matter is transferred to another Court, having criminal jurisdiction. This transfer appears to the public like a "juggling act" between Courts.

The youth of the State are pretty much aware of the restricted jurisdiction of Juvenile Courts. With some, the threat of commitment to the Youth Conservation Commission means little. I have heard of open boasts of boys under eighteen, "I am a Juvenile. They can't touch me." They know the Juvenile Judge is governed by the theory of the Juvenile Court Act, "A child should not be treated like an adult law violator. He should be protected from a criminal record." Rather seldom is a youth turned over to the County Attorney for criminal prosecution.

It is possible that youth all over the Nation are taking advantage of this age protection. It is entirely probable that if the proposed Amendment #1 is passed, the Legislature would invest the Juvenile Judge with some of the authority of a Justice Court, to impose a jail sentence, as a possible part of his corrective treatment, and in that way, might bring about an end to some of the present juvenile defiance of law and order. At any rate, it appears to me that our laws relating to our youth, should be streamlined and made more effective to meet present conditions. But that is possible only by giving the Legislature the power to give added jurisdiction to the Juvenile Court, as is proposed under Constitutional Amendment #1.

The Juvenile Judges full well know the large number of delinquencies in our Courts traceable to homes broken by divorce. In divorce proceedings and especially so in uncontested cases, the District Court Judge has little, or no, opportunity to know the fitness of the parent to whom the custody of the children involved, is entrusted. It is when the parent, having custody, has failed in his or her duties as a parent and the child is said to be neglected, dependent or even delinquent, that the Juvenile Judge is brought into the picture. Would it not have been wiser, and a protection to the child or children if the Juvenile Judge had had some protective authority over the children during the divorce proceedings? The District Court Judge, I am sure, would have welcomed the advice of the Juvenile Judge regarding the children. The Legislature might well give this added authority to the Juvenile Judge, if the Amendment is passed.

It is only reasonable and proper, since the Juvenile Court has now jurisdiction over dependent, neglected or delinquent children, that that same Court, with its knowledge of the child's situation, should have jurisdiction over parents or others contributing to that child's condition. Under the present laws, County Attorneys find it is almost impossible to get convictions in actions against persons contributing to dependency, neglect and delinquency. The Legislature might see fit to change this situation, turn this jurisdiction over to the Juvenile Courts and put teeth in the legislation, if Amendment #1 is passed.

Many other parts of the Nation have established Domestic Relations Courts or Children's Courts or Family Courts, to meet family or children's problems brought about by our complex social and economic conditions. The need for such Courts is being felt in our own State, and many people feel that the Juvenile Court could logically and ideally be such a Court, but the Legislature cannot bring this about unless Amendment #1 is passed.

I have given you but a few examples of the legislative changes possible after the passage of Amendment #1. We Probate-Juvenile Court Judges, take the duties of our office very seriously. We would like to do a more adequate job, but as I have indicated, we are severely hampered by our lack of Constitutional jurisdiction. Kindly help us do a better job, with and for our youth. Vote for Constitutional Amendment #1.

Respectfully submitted

Edward Thelen
Probate-Juvenile Court Judge
Washington County, Minnesota.

Jan. 13, 1954

The Honorable Edward Thelen
Probate Judge, Washington County
Stillwater
Minnesota

Dear Judge Thelen:

Thank you so much for your letter of December 11th, together with your statement of explanation of the proposed Constitutional Amendment relating to the office of Probate Judge, to be submitted to the voters at the next General Election.

The League of Women Voters of Minnesota has long been interested in Constitutional Revision, believing that it is basic to the solution of so many of our problems, including our most difficult amending process. As its 1953-55 program, it will work for the calling of a Constitutional Convention, and will make recommendations as to what a new Constitution should contain.

While the Probate Judge matter is not one of the specific items scheduled for study under our program for the biennium by our last Convention, we have always made it a practice to furnish information to our members and the voters on all the amendments prior to the election, and are therefore very glad to have information on this very important matter, and know there is a great deal of interest in it throughout the state.

Sincerely yours,

Mrs. Basil Young
President.

Probate and Juvenile Courts
Washington County

EDWARD THELEN, JUDGE

Stillwater, Minnesota

December 11th, 1953.

Mrs. Basil Young,
President, League of Women Voters,
84 So. 10th St.,
Minneapolis 3, Minnesota.

Dear Madam:

You were, no doubt, familiar with Proposed Constitutional Amendment #4 of the last Presidential election. Even though it was a Presidential election, at which time it is extremely difficult to pass any Constitutional Amendment, Proposed Amendment #4 received 646,608 "yes" votes, over 443,005 "no" votes. However, the total number of ballots cast and counted was 1,460,326 and the necessary majority for ratification was therefore 730,164. So the Amendment was defeated by only 83,556 votes.

That Proposed Amendment was re-enacted by our last Legislature and will again be before our voters for ratification at the next general election in November, 1954, as Amendment #1. The question before the voters is as follows:

Shall Section 7 of Article VI of the Constitution of the State of Minnesota, relating to office of probate judge, be so amended that the second sentence thereof shall read as follows: It shall be held by one judge, whose qualifications may be established by law and who shall be elected by the voters of the county for the term of four years.

and the last sentence of said section shall read as follows: A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote.

The present Constitution does not provide for any qualification for the probate Judge, and strictly limits the jurisdiction of the Judge to "estates of deceased persons and persons under guardianship but no other jurisdiction." Under a strict construction of the wording of the Constitution, it could be questionable whether the Probate Judge does have the authority to commit unfortunate persons or to act as a Juvenile Court.

The Amendment would give the Legislature authority to set up qualifications and by 2/3 vote to give Probate Judges added authority. It also clarifies and redefines the jurisdiction of the Probate Court to include the right to commit unfortunate persons and to act as Juvenile Court Judges.

Probate and Juvenile Courts
Washington County

EDWARD THELEN, JUDGE

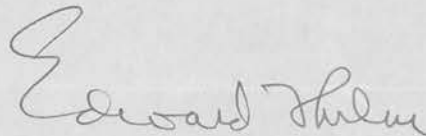
Stillwater, Minnesota

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The Amendment, of course, speaks for itself. However, to explain in part some of the benefits that can be possible by it's ratification by the voters, I have prepared the enclosed statement which I believe is fair, concrete and understandable. Many persons have told me that the public should have this information contained in the statement. I have therefore arranged to have it printed in volume and I seek means of getting it before the public.

It is my hope that your organization might see it's way, as a public service, to assist me in getting this statement to your individual members. May I hear from you as to what is possible along this line?

Very sincerely,



Edward Thelen
Probate Judge, Washington County, Minnesota,
also Chairman of the State Bar Committee
for the publicizing of Amendment #1.

February 9, 1954

The Honorable Edward Thelen
Probate Judge, Washington County
Stillwater, Minn.

Dear Judge Thelen:

I have your letter of January 15th in which you sent me supplementary statement pertaining to an explanation of Proposed Constitutional Amendment No. 1, and requesting my personal reaction to the two statements and also to set forth in my own language my interpretation of the amendment.

I am indeed sorry, but since the League has not taken a stand one way or the other on this particular issue, it is not within my province to give an opinion. All we can do on issues on which we have not taken a position is provide material pro and con. If our members at some future time decide they want this issue studied and acted upon, I will be most happy to comply with your request.

Thank you again for your interest and for sending us this material.

Very truly yours,

Mrs. Basil Young
President

Probate and Juvenile Courts
Washington County

EDWARD THELEN, JUDGE

Stillwater, Minnesota

January 15th, 1954.

Mrs. Basil Young,
President, League of Women Voters of Minnesota,
84 So. 10th St.,
Room 406,
Minneapolis 3, Minnesota.

Dear Mrs. Young:

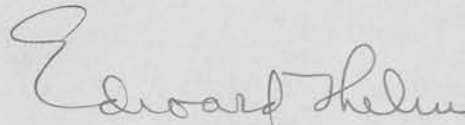
I thank you for your letter of January 13th, concerning
proposed Constitutional Amendment #1.

I feel that the voters are entitled to more information in
regard to this matter and for that reason, I have tried to compose what
I feel is a fair statement of the proposed Amendment, the reasons for it
and what it proposes to do.

In a former statement which I sent you, I amplified paragraph
5 of the present statement. I did not deal in my former statement, with the
other aspects of the Amendment. I feel that the present general statement
of the Amendment should be a preface, at least, to my former statement.

I wish that you would study the enclosed statement, together with
my former statement and give me your personal reaction to the two statements.
I realize that as an attorney and as a Judge of Probate, I may not have
stated the situation so that it is clearly understood by one not a lawyer
or a Probate Judge. I wish that someone not a Judge or a lawyer, would
help me with an explanation which would be clearer to the general public.
I certainly would appreciate it if a member of the League of Women Voters
would send me her ideas of the Amendment and explain it in her own language.
I think you understand my position and I trust you will assist me.

Very truly yours,



Edward Thelen
Probate-Juvenile Judge

ET:HS
Encls-

Could you give info to Mrs. Klein when finished with it?

STATEMENT REQUIRED BY M. S. 3.21 ON PROPOSED CONSTITUTIONAL
AMENDMENTS SUBMITTED BY 1953 LEGISLATURE.

March 11, 1954

Honorable Mrs. Mike Holm
Secretary of State
State Capitol

Dear Mrs. Holm:

Pursuant to Minnesota Statutes 1953, § 3.21, you are hereby furnished a statement of the purpose and effect of each of the following proposed amendments to the Constitution of the State of Minnesota. They are to be submitted to the voters for their approval or rejection at the November 2, 1954, general election as directed by Laws 1953, Chapters 759, 760, 761, and 762.

L. 1953, c. 759
PROPOSED AMENDMENT RELATING TO PROBATE COURT
JURISDICTION AND QUALIFICATIONS OF JUDGE.

The only two existing sentences involved in the proposed amendment are those of Art. 6, § 7 of the State Constitution, the first of which relates to the office of probate judge and the second to the jurisdiction of the probate court, which read as follows:

"* * * It shall be held by one judge, who shall be elected by the voters of the county for the term of four years. * * * A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution."

If the proposed amendment is adopted, the first provision above quoted will read as follows:

"* * * It shall be held by one judge, whose qualifications may be established by law. The judge shall be elected by the voters of the county for a term of four years."

The second provision above quoted, if the amendment is adopted, will read as follows:

"* * * A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote."

The purpose of the amendment is to empower the legislature to prescribe by law the qualifications of a probate judge and, by a two-thirds vote, to extend the jurisdiction from time to time of the probate court. The effect of the adoption of the proposed amendment would be a change in the probate court section of the Constitution to enable the legislature to enact laws to prescribe the qualifications of the probate judge and, by a two-thirds vote, to extend the jurisdiction of the probate court.

L. 1953, c. 760

PROPOSED AMENDMENT RELATING TO LIABILITY OF
STOCKHOLDERS IN CERTAIN CORPORATIONS.

This proposed amendment involves art. 10, § 3 of the State Constitution, which in its existing form reads as follows:

"Sec. 3. The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and co-operative corporations or associations, however organized. Provided every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to the amount of stock owned by him for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association."

If amended as proposed, said section will read as follows:

"Sec. 3. The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and co-operative corporations or associations, however organized."

The purpose of the amendment is to delete from the section as it now exists the provision that "every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to the amount of stock owned by him for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association". The effect of the adoption of the proposed amendment would be the termination of the specific individual liability of every stockholder in a banking or trust corporation or association in so far as the same exists by virtue of the above quoted § 3 of Art. 10 of the State Constitution. However, the proposed amendment does not deprive the legislature of the power of enacting laws to provide for, limit, or otherwise regulate the liability of stockholders or members of a corporation or association, however organized.

L. 1953, c. 761

PROPOSED AMENDMENT RELATING TO REVISION AND ADOPTION OF NEW STATE CONSTITUTION.

This proposed amendment would add to art. 11 of the State Constitution a third section, which would read as follows:

March 11, 1954

"Sec. 3. Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and, if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election of the convention."

The present Constitution does not provide that a revision by a convention shall be submitted to the people for approval or, if submitted, by what vote it shall be ratified. The purpose of the proposed amendment is to provide that a revision of the State Constitution by such convention shall be submitted to the people for their approval or rejection at the general election held not less than 90 days after the revision by the convention and that the affirmative vote of three fifths of all electors voting on the question shall be required for its adoption. The further purpose of the amendment is to provide that § 9 of art. 4 of the Constitution, which, among other provisions, forbids a member of the legislature from holding any other office during the time for which he is elected, shall not apply to the election of members of a constitutional convention.

The effect of the amendment, if adopted, will be the adding to art. 11 of the Constitution of a third section, which will provide that, before a convention revision of the Constitution shall go into effect, it shall be submitted to the people in manner above stated and be approved by three fifths of all electors voting thereon at the general election and further provide that a member of the legislature may serve as a member of the constitutional convention.

L. 1953, c. 762

PROPOSED AMENDMENT RELATING TO FILLING
VACANCIES IN ELECTIVE OFFICES BY GOVERNOR.

The provision in art. 5, § 4 of the Constitution relating to the filling of such vacancies by the governor reads as follows:

" * * He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified."

If the proposed amendment is adopted, the provision in question will read as follows:

" * * He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the end of the term for which the person who had vacated the office was elected, or the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified."

The purpose of the amendment is to eliminate the so-called "short term" which prevails under the present Constitutional provision, as thereunder the appointment by the governor continues only until the next general election and until a successor is chosen and qualifies. As, under the present provision, the person elected for the long term does not assume the office in question until the first Monday of January following the election, there is a short term between the general election and the first Monday in January following. The effect of the adoption of the proposed amendment will be to enable the person appointed by the governor to fill the

Hon. Mrs. Mike Holm

-6-

March 11, 1964

vacancy to continue in office until the first Monday in January following the next general election.

Very truly yours

J. A. J. BURNQUIST
Attorney General

JAAB GBK

May 26, 1954

Mr. J. A. A. Burnquist, Attorney General
State of Minnesota
102 State Capitol
St. Paul, Minnesota

Dear Mr. Burnquist:

We would appreciate it if you would check the enclosed information to be used in the proof that will be going to the printer for the League broadside on the four amendments to the Minnesota Constitution to be voted on November 2nd. If we could receive your comments by June 2nd, it would be helpful.

Sincerely,

Mrs. E. H. Newstrom
Executive Secretary

F2D5A 116

117 W. Howard Street
Hibbing, Minn.
May 6, 1954

The Honorable Gordon Forbes
State Representative, 11th District
Worthington, Minnesota

Dear Mr. Forbes:

Thank you for your letter of April 24th calling my attention to the provisions of Amendment No. 4 which will be presented to the voters at the November election.

While the League of Women Voters of the United States, as a whole, has always supported the principle of the short ballot in the interests of governmental organization and administration which will contribute to economy and efficiency, believing that the fewer elective offices there are, the closer attention citizens can pay to the candidates they are voting for, our state program for the biennium, May, 1953 to May, 1955, -- "Working for the calling of a Constitutional Convention, and making recommendations as to what a new Constitution should contain, with emphasis on reapportionment, taxes and finance and legislative reorganization", does not give us authority to specifically endorse or support any of the amendments except No. 3 providing for the submission of any revised constitution to the electorate for approval.

However, we have always made it a practice to furnish information to our members and the voters on all the amendments prior to the election, and are in the process now of drafting an amendment broadside which will be distributed in the Fall in an effort to help citizens vote intelligently on these issues.

We heartily commend you for your interest and efforts in behalf of this important principle.

Sincerely yours,

Mrs. Basil Young
President



State of Minnesota

HOUSE OF REPRESENTATIVES

JOHN A. HARTIE, Speaker

April 24, 1954

Mrs. Basil Young
State President, League of Women Voters
84 South 10th Street
Room 406
Minneapolis 3, Minnesota

Dear Mrs. Young:

In the 1953 Session of the Legislature, I was the author of H.F. 793. This bill became Chapter 762 of the Laws of 1953 and by its terms places Amendment Number Four on the ballot this fall. As you know this amendment removes the necessity of an election for the "short term" when a vacancy occurs in an elective state office and the governor has made an appointment. If this amendment is passed the governor can fill such vacancies until the next January following a general election.

I think the value of this change is self-evident. It will lessen the nuisance and expense of an election to fill a term that usually runs about 60 days. It will provide for continuity of administration in an office where a vacancy has occurred. It will shorten the ballot and give the people a better opportunity to express themselves on the office in question.

This letter is being written because I feel a personal responsibility to do what I can to pass this Amendment; having authored it in the legislature. Therefore, I respectfully ask that you, as a leader of political thinking and activity in this state, do all you can to see that endorsement and support of Amendment Number Four is included in the program of your league this year. United effort can pass this Amendment.

Sincerely yours,

Gordon Forbes

Representative, 11th District



GF/mah

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LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406

MINNEAPOLIS 3, MINNESOTA

Atlantic 0941

July 13, 1954

M E M O R A N D U M

To : Local League Presidents
From: State office

CORRECTION. The enclosed sheet explaining Amendment No. 3 has been corrected. We made the error of assuming, since the amendment was the same as amendment 2 of two years ago, that the question on the ballot was also the same. You will see that the legislature changed the referendum question by adding the phrase "and providing that Section 9 of Article IV of the constitution shall not apply to election to the convention".

APPOINTMENT CALENDARS. Because we have not received many calendar orders, we are changing the deadline for ordering to August 1st. We hope that you will place your order soon. No orders will be filled if they are received after the August 1st deadline.

AMENDMENT BRODSIDES. The printed broadsides which are enclosed may be ordered from the state office. The prices are as follows:

100.....	\$.75
500.....	3.00
1,000.....	5.00
5,000.....	22.50
10,000.....	40.00
25,000.....	90.00

? Do You Know ?
That Failure To Vote On An Amendment
Is A "No" Vote?

On November 2nd You Will Vote on
4 Amendments to the Minnesota Constitution

- 1. PROBATE JUDGES**
 - A. Gives the legislature authority to set up qualifications for probate judges.
 - B. Enables the legislature, by a two-thirds vote, to establish and extend duties of the probate court.
- 2. STOCKHOLDER LIABILITY**
 - A. Eliminates the present liability provision relating to stockholders in a banking or trust corporation or association.
 - B. Vests in the legislature the power to regulate stockholder's liability in all kinds of corporations.
- 3. REVISION OF CONSTITUTION**

Clears the way for a constitutional convention by providing that:

 - A. Any revision of the state constitution must be submitted to the people for approval.
 - B. Approval must be given by three-fifths of those voting on the revision.
 - C. State legislators be eligible for election as delegates to a constitutional convention.
- 4. VACANCIES IN ELECTIVE OFFICES**
 - A. Eliminates elective offices for the "short term" between the general election and the first Monday in January.
 - B. Enables the governor to fill a vacancy by appointment until the first Monday in January when a successor is elected and qualified.

The League of Women Voters provides this factual information as a public service to help you make a decision for or against these amendments.

For Further Information About These Amendments Write
LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 South Tenth Street, Room 406
Minneapolis 3, Minnesota



VOTE "YES" ON AMENDMENT NUMBER 3

The League of Women Voters of Minnesota has long advocated revision of our state constitution as an aid to achieving efficiency and economy in government. We believe passage of Amendment No. 3 is the first step toward this goal.

SUPPLEMENTARY INFORMATION

on

FOUR PROPOSED AMENDMENTS TO THE MINNESOTA CONSTITUTION

AMENDMENT NO. I

Relating to Probate Court Jurisdiction and Qualifications of Probate Judge
Minnesota Laws, 1953, Chapter 759

A. THE PRESENT CONSTITUTION READS: (Article VI, Section 7)

"It shall be held by one judge who shall be elected by the voters of the county for a term of 4 years.....A probate court shall have jurisdiction over the estate of deceased persons and persons under guardianship, but no other jurisdiction except as prescribed by this Constitution."

B. IF THE AMENDMENT IS ADOPTED, IT WILL READ:

"It shall be held by one judge whose qualifications may be established by law. The judge shall be elected by the voters of the county for a term of 4 years.....A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote."

C. PURPOSE:

To empower the legislature to prescribe by law, the qualifications of probate judge and by 2/3 vote, to extend the jurisdiction of the probate court from time to time.

D. THE BALLOT USED AT THE ELECTION SHALL BE PRINTED AS FOLLOWS:

"Shall Section 7 of Article VI of the Constitution of the State of Minnesota, relating to the office of probate judge, be so amended that the second sentence thereof shall read as follows: It shall be held by one judge, whose qualifications may be established by law, and who shall be elected by the voters of the county for the term of four years, and the last sentence of said section shall read as follows: A Probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote.

Yes.....
No..... "

E. PASSAGE OF THIS AMENDMENT WOULD:

1. Give the legislature authority to set up qualifications of probate judges.
2. Enable the legislature, by 2/3 vote, to establish and extend duties of the probate court.

Proponents of this amendment are hopeful that once the amendment is adopted the legislature will pass a law setting the right to practice law as a qualification of a probate judge and extending probate court jurisdiction to cover juvenile problems as well as those set forth in the constitution.

The Minnesota State Bar Association favors the passage of this amendment.

AMENDMENT NO. II
Relating to Liability of Stockholders in Certain Corporations
Minnesota Laws, 1953, Chapter 760

A. THE PRESENT CONSTITUTION READS: (Article X, Section 3)

"The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and cooperative corporations or associations, however organized. Provided every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to the amount of stock owned by him for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association."

B. IF THE AMENDMENT IS ADOPTED, IT WILL READ:

"The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and cooperative associations, however organized."

C. PURPOSE :

Deletes the provision that every stockholder shall be individually liable in an amount equal to the amount of stock held by him for all debts contracted prior to any transfer of such stock and that liability shall continue for one year after transfer.

EFFECT:

Terminates the specific individual liability as exists in the present section. Does not, however, deprive the legislature of the power to enact laws to provide for, limit or otherwise regulate liability of stockholders or members of corporations or cooperative associations however organized.

D. THE BALLOT USED AT ELECTION SHALL BE PRINTED AS FOLLOWS:

"Amendment of Section 3, of Article X of the Constitution, empowering the legislature to limit and otherwise regulate the liability of stockholders of state banks.

Yes.....
No....."

E. PASSAGE OF THIS AMENDMENT WOULD:

1. Eliminate the present liability provision relating to stockholders in a banking or trust corporation or association.
2. Vest in the legislature the power to regulate stockholders liability in all kinds of corporations.

Proponents of this measure say that under the present section the stockholders in state banks are under "double liability": 1) subject to general laws and 2) individually liable through Article X, Section 3, of the state Constitution. They also say that the constitution discriminates against state bank stockholders since stockholders in national banks fall outside this regulation. They point to the fact that there is only one other state which has this double liability.

There is to be an organized campaign for passage of this amendment by the State Bankers Association.

AMENDMENT NO. III

Relating to Revision and Adoption of New State Constitution
Minnesota Laws, 1953, Chapter 761

- A. THIS PROPOSED AMENDMENT WOULD ADD TO ARTICLE XIV OF THE PRESENT CONSTITUTION A THIRD SECTION WHICH WOULD READ AS FOLLOWS:

"Sec. 3. Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and, if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election of the convention."

- B. PURPOSE:

To provide that a revision of the State Constitution by a constitutional convention shall be submitted to the people for their approval or rejection at the general election held not less than 90 days after the revision by the convention and that the affirmative vote of $3/5$ of all electors VOTING ON THE QUESTION shall be required for its adoption.

To provide that Section 9 of Article IV of the Constitution, which forbids a member of the legislature from holding any other office during the time for which he is elected, shall not apply to the election of members of a constitutional convention.

- C. THE BALLOT USED AT THE ELECTION SHALL BE PRINTED AS FOLLOWS:

"Shall the Constitution of the State of Minnesota be amended by adding to Article 14 thereof a new section to be known as Section 3, providing for the submission of any revision of the Constitution to the people of the state at the next general election after any revision of the constitution by any convention called for that purpose, and providing that before any such revision shall go into effect there shall be an approval and ratification thereof by three-fifths of all the electors voting on the question and providing that Section 9 of Article IV of the constitution shall not apply to election to the convention?

Yes.....
No....."

- D. PASSAGE OF THIS AMENDMENT WOULD:

Clear the way for a constitutional convention by providing that:

1. Any revision of the state constitution must be submitted to the people for approval.
2. Approval must be given by $3/5$ of those voting on the question.
3. State legislators be eligible for election as delegates to a constitutional convention.

The League of Women Voters of Minnesota favors the passage of this amendment. We have long advocated revision of our state constitution as an aid to achieving efficiency and economy in government and believe that passage of Citizens Amendment No. 3 is the first step toward this goal.

AMENDMENT NO. IV
Relating to Filling Vacancies in Elective Offices by Governor
Minnesota Laws, 1953, Chapter 762

A. THE PRESENT CONSTITUTION READS: (Article V, Section 4)

"He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified."

B. IF THE AMENDMENT IS ADOPTED, IT WILL READ:

"He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the end of the term for which the person who had vacated the office was elected, or the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified."

C. PURPOSE:

To eliminate the "short term" between the general election and the first Monday in January following the next general election.

EFFECT:

To enable the person, appointed by the governor to fill vacancy, to continue in office until the first Monday in January following the next general election.

D. THE BALLOT USED AT THE ELECTION SHALL BE PRINTED AS FOLLOWS:

"Shall the Constitution of the State of Minnesota, Article V, Section 4, be amended to authorize the governor, when filling a vacancy in an elective office under that section, to appoint a person to hold that vacated office until the end of the term, for which the person who vacated the office was elected, or the first day of January following the next general election whichever is sooner, rather than as the section now provides, until the next annual election?"

Yes.....
No....."

E. PASSAGE OF THIS AMENDMENT WOULD:

1. Eliminate elective offices for the "short term" between the general election and the first Monday in January.
2. Enable the governor to fill a vacancy by appointment until the first Monday in January when a successor is elected and qualified.

Proponents of this amendment say that the short term election is wasteful because of 1) the added expense of election, 2) the holder of the office may receive compensation when performing no duties. They also say that the short term election makes a long and confusing ballot for the voter. Gordon Forbes, the author of this amendment says "It will lessen the nuisance and expense of an election to fill a term that usually runs about 60 days. It will provide for continuity of administration in an office where a vacancy has occurred. It will shorten the ballot and give the people a better opportunity to express themselves on the office in question."

CITIZENS AMENDMENT NO. 3

ON NOVEMBER 2, IN ADDITION TO ELECTING YOUR CONGRESSMAN, SENATOR, GOVERNOR, AND OTHER OFFICIALS, YOU WILL ALSO CAST YOUR VOTE ON FOUR AMENDMENTS TO THE STATE CONSTITUTION. THE LEAGUE OF WOMEN VOTERS OF MINNESOTA FAVORS AN AFFIRMATIVE VOTE ON THE THIRD AMENDMENT, BECAUSE IT IS CRUCIAL TO CONSTITUTIONAL REVISION, WHICH IT SUPPORTS.

The referendum on the proposed amendment will appear on the ballot as follows:

"Shall the Constitution of the State of Minnesota be amended by adding to Article 14 thereof a new section to be known as Section 3, providing for the submission of any revision of the Constitution to the people of the state at the next general election after any revision of the constitution by any convention called for that purpose, and providing that before any such revision shall go into effect there shall be an approval and ratification thereof by three-fifths of all the electors voting on the question and providing that Section 9 of Article IV of the constitution shall not apply to election to the convention?

Yes.....
No....."

If adopted, amendment no. 3 will provide that:

1. Any constitution revised by convention must be submitted to the people for approval.
2. The revised constitution must be approved by 3/5 of all those voting on the question.
3. Members of the legislature may serve as delegates to a constitutional convention.

The first provision will answer fears expressed by some legislators that a constitution revised by convention would not be submitted to the people. Passage of this amendment would reassure both legislators and citizens that final approval of a revised constitution would be given by the voters of Minnesota.

The second provision places the approval of the revised constitution in the hands of the informed voter. Amendments to the constitution, including this Citizens Amendment No. 3, require a majority of the votes cast, not on the amendments themselves, but in the entire election. Thus, many uninformed voters inadvertently cast a NO vote by not voting at all on amendments. This provision would make it possible for a revised constitution to be rejected by blank ballots.

The third provision was proposed to allow legislators to serve as delegates to a constitutional convention. The constitution now prohibits legislators from serving in any other state or federal capacity while holding legislative office. Delegates to the convention would be elected from legislative districts on the same basis as members of the state House of Representatives. It is hoped that citizens from all walks of life would offer themselves for election as delegates, but it seems unfair to bar voters from sending a legislator if he could make a worthy contribution.

CITIZEN REACTION TO THIS AMENDMENT WILL BE USED AS A MEASURE OF INTEREST IN CONSTITUTIONAL REVISION. IF THE AMENDMENT FAILS, THE OBJECTORS WILL HAVE GROUNDS FOR SAYING THAT MINNESOTANS DON'T WANT REVISION. IF THE AMENDMENT PASSES, IT WILL SERVE AS A MANDATE TO LEGISLATORS TO DO SOMETHING ABOUT CONSTITUTIONAL REVISION.

DO YOUR SHARE TO PASS THIS AMENDMENT. TELL YOUR FAMILY AND YOUR NEIGHBORS

DON'T GUESS - VOTE YES

on

CITIZENS AMENDMENT NO. 3

Protect Your Rights!
VOTE YES
On Amendment No. 2

HERE IS WHAT AMENDMENT 2 WILL DO:

1. It will make certain that if a new constitution is drawn up by a convention of elected delegates that you will have the right to vote for its approval or rejection. Our present constitution lacks this provision.
2. It will allow any citizen of Minnesota, including legislators, to compete for election as delegate to a constitutional convention. Our present constitution prevents legislators from serving. (Delegates to a constitutional convention are elected by the people of each legislative district in the same way and number of members of the Minnesota House of Representatives.)

These organizations support Amendment No. 2

Duluth Federated Trades and Labor Assembly
Good Government Group of Minneapolis
Leagues of Women Voters of Minnesota
Machinists Non-Partisan Political League
Minnesota Bar Association
Minneapolis Central Labor Union
Minnesota Farmers Union
National Council of Jewish Women
Republican State Central Committee
St. Paul Trades & Labor Assembly

Vote YES November 4
Failure to vote is a NO VOTE

June 25, 1954

Dear Mrs. Klein,

I have found your further information on Amendment 2 and the note that the Bankers Association is supporting this amendment. Now, how can we fit that info into the form? Under some heading called FURTHER INFORMATION or PROPONENTS SAY? Do you think we might quote the entire Constitutional Commission recommendation on this double liability thing? It certainly makes things clear.

That statement about Amendment I and the "It is predicted...." might come under this heading too, don't you think?

And the statements about the short ballot (on amendment No. IV) could probably come under here.

I think probably your suggestion of ~~centering~~ centering

AMENDMENT NO. IV

RELATING TO FILLING VACANCIES IN ELECTIVE OFFICES BY GOVERNOR

is much better than the way I typed it to the side.

I checked again with the League of Minnesota Municipalities about proponents of the amendments, but they still do not have much information on that. Perhaps this information could be sent out later - or not at all - or perhaps we could ask Leagues to look for this info in their newspapers.

I wonder if any organization will take a stand for Amendment #4 - it is such a good one and is the kind the League should take to its heart, but since the League is not taking a stand for it I wonder if any organization will. Maybe Gordon Forbes will form a Citizens Committee for its passage. Too bad it isn't on the Agenda, so we could take some action.

If we put a heading ORGANIZATIONS WHICH SUPPORT THIS AMENDMENT, we should balance it by ORGANIZATIONS WHICH OPPOSE THIS AMENDMENT although usually there is no organization to oppose the amendments. Perhaps a probate judge association, if there is one, opposes the 1st one.

The Broadside is ready to go and will be returned to the printer on Monday. If you have any corrections, please call collect by 10 a.m. that day.

Luella

Dear Lucca,

Am enclosing the lengthy explanations for use by the Leagues as far as the Voter. Also the short Broadside form.

Haven't yet heard from various organizations I've written about the amendments, except Banker's Assoc. Which you note are going to actively support No II.

Hope it isn't too bad. Have been eating & sleeping with this stuff -

Clem.

amendments - Jan How to
 Jan - m - v / p -
 nov. 2 s vote a @ amending

- A- Gives the legislature authority to set up qualifications of probate judges.
- B- Enables the legislature, by 2/3 vote, to establish and extend duties of the probate court.
- C- Clarifies and defines jurisdiction of the Probate court to include the right to commit unfortunate persons and act as juvenile court judges.

- A- Eliminates the double liability clause of the present section.
- B- Provides the legislature the exclusive authority to regulate stockholders liability in all kinds of corporations.

Clears the way for a constitutional convention by:

- A- Providing for a 3/5 vote of the people to approve a revised constitution when drawn up by a convention.
- B- Providing that all Minnesota citizens, including state legislators, are eligible for election as delegates to such a convention.

A- Will eliminate the "short term" elective office between the general election and the 1st. Monday in January.

B- Will enable the governor to fill a vacancy by appointment until a successor is chosen and qualified.

chosen
elected

write in one line

vote yes.

8 1/2 + 11

1/2 x 11
Klein General letter
Mrs. attorney J. Stollen
ine

Barbara Staller
Mrs. Kasse
" Young
" Printing
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a letter to
editor
from
Mrs. Young

As you see ~~the~~ ~~2~~ ~~2~~ ~~2~~ ~~2~~ ~~2~~

~~the~~ ~~failure~~ ~~of~~ ~~the~~ ~~amendment~~

no vote?

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Nov. 4, 1954.

Register ~~to~~ ~~2~~

On Nov. 4, 1954

Make ~~2~~ ~~count~~ ~~of~~ ~~the~~

of amendments

State for

No I

AMENDMENT NO. II

RELATING TO PROBATE COURT JURISDICTION & QUALIFICATIONS OF PROBATE JUDGES.

ART. VI, SEC. VII

"It shall be held by one judge who shall be elected by the voters of the county for the term of 4 years. A probate judge shall have jurisdiction over the estate of deceased persons and persons under guardianship, but no other jurisdiction except as prescribed by the constitution."

If the amendment is adopted, it will read as follows;

"It shall be held by one judge whose qualifications may be established by law. The judge shall be elected by the voters of the county for a term of 4 years."

"A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons and such further jurisdiction as the legislature may, from time to time establish by a 2/3 vote."

PURPOSE : To empower the legislature to prescribe by law, the qualifications of probate judge and by a 2/3 vote, to extend the jurisdiction of the probate court from time to time.

EFFECT : A change in the probate court section to enable the legislature to enact laws to prescribe qualifications of probate judge and by a 2/3 vote to extend probate court jurisdiction.

A similar change was proposed by the Constitutional Commission.

Recommended that qualifications be — jurisdiction be extended

AMENDMENT NO. II

RELATING TO LIABILITY OF STOCKHOLDERS IN CERTAIN CORPORATIONS.

ART. X, SEC III

" The legislature shall have power from time to ~~time~~ to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and cooperative corporations or associations, however organized. Provided every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to amount of stock owned by him, for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association."

If the amendment is adopted, it will read as follows;

" The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and cooperative corporations or associations, however organized."

PURPOSE: Deletes the provision that every stockholder shall be individually liable to amount equal to amount of stock held for all debts contracted prior to any transfer of such stock and liability continuing for one year after transfer.

EFFECT : Termination of the specific individual liability as exists in the present section.
Does not deprive the legislature of the power to enact laws to provide for, limit or otherwise regulate liability of stockholders or members of corporations or cooperative associations, however organized.

Recommended by the Const. Comm.

Minnesota and Illinois are the only states that now impose double liability on stockholders of state banks by constitution.

Proponents of this measure claim that under the present section the stockholders in state banks are under " double liability ".

1- Subject to general laws of state governing corporate liability.

2- Individually liable thru Art. 10, Sec. 3.

It discriminates against state bank stockholders ; stockholders in national banks fall outside the regulation.

There will be an organized campaign for passage of this amendment by the Bankers Association.

AMENDMENT NO. IV

RELATING TO FILLING VACANCIES IN ELECTIVE OFFICES, BY GOVERNOR.
Chap. 762 H.F. 793

ART. V, SEC IV

"He shall take care that the laws be faithfully executed, fill any vacancies that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified."

If the amendment is adopted, it will read as follows;

"He shall take care that the laws be faithfully executed, fill any vacancies that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the end of the term for which the person who had vacated the office was elected, or until the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified."

PURPOSE: To eliminate the " short term " between general election and the first Monday in January following the next general election.

EFFECT: To enable the person appointed by the governor to fill the vacancy, to continue in office until the first Monday in January following the next general election .

- Proponents say*
- A- Short term election is wasteful;
 - 1- Added expense of election
 - 2- The holder of the short term office may receive compensation when performing no duties.
 - B- Makes a long and confusing ballot for the voter and may influence the election.

Minor
Recommended by the Const. Comm. 7

STATEMENT REQUIRED BY M. S. 3.21 ON PROPOSED CONSTITUTIONAL
AMENDMENTS SUBMITTED BY 1953 LEGISLATURE.

March 11, 1954

Honorable Mrs. Mike Holm
Secretary of State
State Capitol

Dear Mrs. Holm:

Pursuant to Minnesota Statutes 1953, §3.21, you are hereby furnished a statement of the purpose and effect of each of the following proposed amendments to the Constitution of the State of Minnesota. They are to be submitted to the voters for their approval or rejection at the November 2, 1954, general election as directed by Laws 1953, Chapters 759, 760, 761, and 762.

L. 1953, c. 759
PROPOSED AMENDMENT RELATING TO PROBATE COURT
JURISDICTION AND QUALIFICATIONS OF JUDGE.

The only two existing sentences involved in the proposed amendment are those of art. 6, § 7 of the State Constitution, the first of which relates to the office of probate judge and the second to the jurisdiction of the probate court, which read as follows:

"* * * It shall be held by one judge, who shall be elected by the voters of the county for the term of four years. * * * A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution."

If the proposed amendment is adopted, the first provision above quoted will read as follows:

"* * * It shall be held by one judge, whose qualifications may be established by law. The judge shall be elected by the voters of the county for a term of four years."

The second provision above quoted, if the amendment is adopted, will read as follows:

"* * * A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote."

The purpose of the amendment is to empower the legislature to prescribe by law the qualifications of a probate judge and, by a two-thirds vote, to extend the jurisdiction from time to time of the probate court. The effect of the adoption of the proposed amendment would be a change in the probate court section of the Constitution to enable the legislature to enact laws to prescribe the qualifications of the probate judge and, by a two-thirds vote, to extend the jurisdiction of the probate court.

L. 1953, c. 760

PROPOSED AMENDMENT RELATING TO LIABILITY OF
STOCKHOLDERS IN CERTAIN CORPORATIONS.

This proposed amendment involves art. 10, § 3 of the State Constitution, which in its existing form reads as follows:

"Sec. 3. The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and co-operative corporations or associations, however organized. Provided every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to the amount of stock owned by him for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association."

If amended as proposed, said section will read as follows:

"Sec. 3. The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and co-operative corporations or associations, however organized."

The purpose of the amendment is to delete from the section as it now exists the provision that "every stockholder in a banking or trust corporation or association shall be individually liable in an amount equal to the amount of stock owned by him for all debts of such corporation contracted prior to any transfer of such stock and such individual liability shall continue for one year after any transfer of such stock and the entry thereof on the books of the corporation or association". The effect of the adoption of the proposed amendment would be the termination of the specific individual liability of every stockholder in a banking or trust corporation or association in so far as the same exists by virtue of the above quoted § 3 of art. 10 of the State Constitution. However, the proposed amendment does not deprive the legislature of the power of enacting laws to provide for, limit, or otherwise regulate the liability of stockholders or members of a corporation or association, however organized.

L. 1953, c. 761

PROPOSED AMENDMENT RELATING TO REVISION AND
ADOPTION OF NEW STATE CONSTITUTION.

This proposed amendment would add to art. 14 of the State Constitution a third section, which would read as follows:

March 11, 1954

"Sec. 3. Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and, if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election of the convention."

The present Constitution does not provide that a revision by a convention shall be submitted to the people for approval or, if submitted, by what vote it shall be ratified. The purpose of the proposed amendment is to provide that a revision of the State Constitution by such convention shall be submitted to the people for their approval or rejection at the general election held not less than 90 days after the revision by the convention and that the affirmative vote of three fifths of all electors voting on the question shall be required for its adoption. The further purpose of the amendment is to provide that § 9 of art. 4 of the Constitution, which, among other provisions, forbids a member of the legislature from holding any other office during the time for which he is elected, shall not apply to the election of members of a constitutional convention.

The effect of the amendment, if adopted, will be the adding to art. 14 of the Constitution of a third section, which will provide that, before a convention revision of the Constitution shall go into effect, it shall be submitted to the people in manner above stated and be approved by three fifths of all electors voting thereon at the general election and further provide that a member of the legislature may serve as a member of the constitutional convention.

L. 1953, c. 762

PROPOSED AMENDMENT RELATING TO FILLING
VACANCIES IN ELECTIVE OFFICES BY GOVERNOR.

The provision in art. 5, § 4 of the Constitution relating to the filling of such vacancies by the governor reads as follows:

"* * * He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified."

If the proposed amendment is adopted, the provision in question will read as follows:

"* * * He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the end of the term for which the person who had vacated the office was elected, or the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified."

The purpose of the amendment is to eliminate the so-called "short term" which prevails under the present Constitutional provision, as thereunder the appointment by the governor continues only until the next general election and until a successor is chosen and qualifies. As, under the present provision, the person elected for the long term does not assume the office in question until the first Monday of January following the election, there is a short term between the general election and the first Monday in January following. The effect of the adoption of the proposed amendment will be to enable the person appointed by the governor to fill the

Hon. Mrs. Mike Holm

-6-

March 11, 1954

vacancy to continue in office until the first Monday in January following the next general election.

Very truly yours

J. A. A. BURNQUIST
Attorney General

JAAB GEK

file

unbiased

It has been the custom of the League of Women Voters of Minnesota to publish a simple explanation of the proposed amendments to the constitution as a voters service before the election.

The explanation should be in first draft form by about May of the year of election. The first draft should then be sent to a reading committee composed of League members (who judge the simplicity and clarity), and experts such as the Attorney General, the Secretary of State, etc.

The final draft should be sent to the printer by about August 1st.

Sources of Information on Amendments are as follows:

Minnesota Laws

Attorney General (for effect of amendments - a letter is sent by the Attorney General to the Secretary of State in about January of the year of election)

Secretary of State

State Constitution (for comparison with present sections)

Report of the Constitutional Commission (to see whether the amendment has been recommended by them and for possible helpful explanation)

League of Minnesota Municipalities (usually publishes detailed explanation)

Citizens League of Greater Minneapolis (has published explanation)

State Bar Association (for explanation and stand)

Other organizations (for stand)

FOUR CONSTITUTIONAL AMENDMENTS PROPOSED BY STATE LEGISLATURE, 1953

to be submitted to the people for a vote at the 1954 general election

Ch. 759 proposes an amendment to Article VI, Sec. 7 substantially similar to that proposed as Amendment No. 4 in the November, 1952 election. It authorizes the legislature to provide qualifications for probate judges and it permits legislative changes in the jurisdiction of the probate court.

Ch. 760 proposes an amendment to Sec. 3 of Article 10 which would authorize the legislature to limit and otherwise regulate liability of stockholders or members of corporations and cooperative associations.

Ch. 761 proposes an amendment to be known as Article 14, Sec. 3 which is the same as that proposed as Amendment No. 2 last time. It requires a constitutional revision to be submitted to the voters at the next general election held not less than 90 days after the adoption of the revision by the constitutional convention. Ratification would require approval by 60% of those voting on the question. Legislators would not be barred from membership on the constitutional convention.

Ch. 762 proposes an amendment to Article 5, Sec. 4 to eliminate the filling of short term vacancies in state elective offices at the general election. This will eliminate the placing on the ballot of candidates for terms commencing with election day and expiring the first Monday in January following.

CHAPTER 760 - H.F. No. 915

AN ACT proposing an amendment to the Constitution of the State of Minnesota, Article X, Section 3, relating to the liability of stockholders in certain corporations.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. An amendment to Section 3 of Article X of the Constitution of the State of Minnesota, to read as hereinafter provided, is hereby proposed to the people of the state for their approval or rejection. The proposed amendment is as follows, and if adopted, said Section 3 will read as follows:

Section 3. The legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and cooperative corporations or associations, however organized.

Section 2. Such proposed amendment shall be submitted to the people for their approval or rejection at the general election for the year 1954 and the qualified electors of the state, in their respective districts, may at such election vote for or against such proposed amendment by ballot, and the.....

Section 3. Ballots used at said election, and said proposed amendment, shall have printed thereon: "Amendment of Section 3, of Article X of the Constitution, empowering the legislature to limit and otherwise regulate the liability of stockholders of state banks.

Yes.....

No....."

.....

AN ACT proposing an amendment to the Constitution of the State of Minnesota, Article V, Section 4, relating to the terms of office of persons appointed by the Governor to fill vacancies in elective offices.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. An amendment to the Constitution of the State of Minnesota, Article V, Section 4, is hereby proposed to the people of the state for their approval or rejection. The amended section will read as follows:

Section 4. The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power, in conjunction with the board of pardons, of which the governor shall be ex officio a member, and the other members of which shall consist of the attorney general of the State of Minnesota and the chief justice of the supreme court of the State of Minnesota, and whose powers and duties shall be defined and regulated by law, to grant reprieves and pardons after conviction for offenses against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissions to take the acknowledgment of deeds or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this Constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the end of the term for which the person who had vacated the office was elected, or the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified.

Section 2....

The ballots used at such election for submission of this question shall provide as follows:

"Shall the Constitution of the State of Minnesota, Article V, Section 4, be amended to authorize the governor, when filling a vacancy in an elective office under that section, to appoint a person to hold that vacated office until the end of the term for which the person who had vacated the office was elected, or the first day of January following the next general election whichever is sooner, rather than as the section now provides, until the next annual election?

Yes...

No....

AN ACT proposing an amendment to Article 14 of the Constitution of the State of Minnesota by adding thereto a new section providing that any convention called to revise said Constitution shall submit any revision thereof by said convention to the people for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision and that, if it shall appear in a manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new Constitution of the State of Minnesota, but otherwise to be of no force or effect; and providing that Section 9 of Article IV of the Constitution shall not apply to election to the convention.

Be it enacted by the Legislation of the State of Minnesota:

Section 1. The following amendment to Article 14 of the Constitution of the State of Minnesota is hereby proposed to the people of the state for their approval or rejection and, if adopted, shall be known as Section 3 of said Article 14. The proposed amendment reads as follows:

Section 3. Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election to the convention.

Section 2..... The ballots used at such election shall have printed thereon the following:

"Shall the Constitution of the State of Minnesota be amended adding to Article 14 thereof a new section to be known as Section 3, providing for the submission of any revision of the Constitution to the people of the state at the next general election after any revision of the constitution by any convention called for that purpose, and providing that before any such revision shall go into effect there shall be an approval and ratification thereof by three-fifths of all the electors voting on the question and providing that Section 9 of Article IV of the constitution shall not apply to election to the convention?

Yes.....
No....."

AN ACT proposing an amendment to the Constitution of the State of Minnesota, Article VI, Section 7, pertaining to the probate court and the jurisdiction thereof and the qualifications of the probate judge.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. An amendment to the Constitution of the State of Minnesota, Article VI, Section 7, is proposed to the people of the state for their approval or rejection. The proposed Amendment is as follows, and, if adopted, Section 7 will read as follows:

Section 7. There shall be established in each organized county in the State a probate court, which shall be a court of record, and be held at such time and place as may be prescribed by law. It shall be held by one judge, whose qualifications may be established by law. The judge shall be elected by the voters of the county for a term of four years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office. His compensation shall be provided by law. He may appoint his own clerk or register or probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote.

Section 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the general election for the year 1954 in the manner provided by law for the submission of amendments to the Constitution. The votes thereon shall be counted, canvassed, and the result proclaimed as provided by law. The ballots used at this election shall have printed thereon the following:

"Shall Section 7 of Article VI of the Constitution of the State of Minnesota, relating to the office of probate judge, be so amended that the second sentence thereof shall read as follows: It shall be held by one judge, whose qualifications may be established by law and who shall be elected by the voters of the county for the term of four years, and the last sentence of said section shall read as follows: A Probate court shall have jurisdiction over the person and estate, either or both, of persons under guardianship; over estates of deceased persons; and such further jurisdiction as the legislature may from time to time establish by a two-thirds vote.

Yes.....
No....."



Please return soon

MEMBER: American Municipal Association • OFFICIAL PUBLICATION: Minnesota Municipalities

League of Minnesota Municipalities

OFFICIAL COOPERATIVE ASSOCIATION OF MINNESOTA CITIES AND VILLAGES

C. C. LUDWIG
Executive Secretary
ORVILLE C. PETERSON
Attorney

OFFICE: 15 University of Minnesota Library, Minneapolis 14, Minn. Telephone: MAIn-8158, Ext. 6185-6186

June 28, 1954

Mrs. Eugene Newstrom
Minneapolis League of Women Voters
Room 406, 84 South 10th St.,
Minneapolis, Minnesota

Dear Mrs. Newstrom:

As you requested in your inquiry of June 24, we are sending you the following:

PROPOSED CONSTITUTIONAL AMENDMENTS FOR 1952
ELECTION 335a

If there is anything further we can do to be of assistance to you, please call upon us.

Sincerely yours,

C. C. Ludwig
Executive Secretary

JGC:nw

Next Convention, June 1954, Moorhead

EXECUTIVE COMMITTEE 1953-54

Honorary President
DR. RICHARD R. PRICE
President, ROBERT F. PETERSON
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St. Paul

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Handwritten calculations:
149 47
26
157
300
72 33
96
46
212
308

INFORMATION SERVICE

335a
*125a

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April 1954

PROPOSED CONSTITUTIONAL AMENDMENTS FOR 1952 ELECTION

Amendment No. 1 (Laws 1953, Ch. 759)

This proposal would make two substantive changes in Article 6, Section 7, which deals with probate courts. First, it would allow the legislature to prescribe the qualifications of probate judges. Under Section 7 as it now reads, any resident of the county may run for and hold the office of probate judge. Secondly, the amendment would allow the legislature, by a two-thirds vote, to add other functions to the jurisdiction of the probate court. At the present time, the constitution grants jurisdiction over "the estates of deceased persons and persons under guardianship", but no other duties may be added, except by changing the constitution. Amendment No. 1 also clarifies the present jurisdiction by making it clear that the probate court is competent to act over both the person and estate of persons under guardianship.

The advocates of this amendment believe that both changes will contribute toward increasing the efficiency of the judicial process. The probate court handles matters that are complex and technical. Therefore, it is desirable that all probate judges have the skill to deal with them. Under the present constitution there is no assurance that judges will possess desirable qualifications. Amendment No. 1 would permit the legislature to require legal training and other qualifications before a person may become a candidate. Since the nature of probate court work will continue to change over the years, it is better to leave the qualifications to legislative determination, rather than to freeze them in the constitution itself.

Similarly, the legislature should be allowed to give the probate court jurisdiction over other matters related to its present duties. In some cases this may permit the disposition in a single proceeding of related subjects that otherwise would have to be handled by two or more separate courts.

Counter-arguments include the assertions that it is more democratic to permit any voter to be a probate judge, and that the creation of more qualifications would prevent a number of experienced and competent judges from seeking re-election. Proponents would reply, however, that the latter point is really no argument for the legislature may easily exempt judges now holding office. An argument against the proposal to allow the legislature to add to the probate court's jurisdiction might be that it is inconsistent with the present practice of fixing jurisdiction in the constitution.

Laws 1951, Ch. 724, which was almost identical to this proposal, appeared as Amendment No. 4 at the 1952 general election. There was some consternation about it among its supporters, for the ballot question omitted any reference to the fact that the amendment would allow the legislature to prescribe probate judge qualifications. Amendment No. 4 failed, however, and the 1954 proposal cures that defect.

The Minnesota State Bar Association continues to work for the passage of this amendment. There is no known organized opposition.

Amendment No. 2 (Laws 1953, Ch. 760)

Article 10, Section 3, of the constitution allows the legislature to regulate the liability of corporation stockholders. There is this important proviso, however: the section makes stockholders in banks and trust companies individually liable for the debts of the corporation to an amount equal to the value of the stock owned. Moreover, this liability continues until one year after such stock is transferred. Minnesota and Arizona are the only states with constitutional provisions making bank stockholders individually liable.

If adopted, Amendment No. 2 will strike out the proviso completely. The legislature would then have exclusive authority to regulate the liability of stockholders in all kinds of corporations.

The proponents of this measure claim that under the present constitution stockholders in state banks are under a "double liability", that is they are not only subject to the general laws of the state governing corporate liability, but they are also individually liable through Article 10, Section 3. Moreover, proponents say that the section discriminates against state bank stockholders for the stockholders in national banks fell outside its regulation.

At the present time there is neither organized support nor opposition. However, the bankers as a group are heartily in favor of it.

Amendment No. 3 (Laws 1953, Ch. 761)

Amendment No. 3 would add to Article 14 a third section relating to constitutional conventions. Any such convention must submit its revisions to the people of the state for their approval. The questions are to be presented at the next general election held not less than 90 days after the convention adopts the revision, and a three-fifths majority of those voting on the question is necessary for ratification. This amendment would also remove the constitutional prohibition against state legislators serving as convention delegates (Article 4, Section 9).

The history of this proposal goes back to the 1951 legislative session, during which an attempt to call a constitutional convention was defeated. The opponents of the attempt argued that the present constitution does not guarantee the voters a chance to accept or reject revisions drafted by a convention. Although the argument was of doubtful validity an amendment was proposed as a result of this criticism to make it mandatory that the product of any convention would be submitted to the people. Called Amendment No. 2, it failed to pass at the 1952 election. Amendment No. 3 is identical in its wording with the 1952 proposal; the only changes are a minor correction in the title and a ballot question couched in more felicitous phrasing.

Proponents have stated that the amendment will create more support for constitutional revision by safeguarding the people's right to vote on any changes that are proposed. They also say that the three-fifths vote requirement is a reasonable compromise between approval by a bare majority and approval by a majority of those voting at the election. The latter is the present rule on constitutional amendments and in practice means that a failure to vote has the same effect as voting "no". As for the provision allowing legislators to be elected to the convention, proponents argue that this gives the convention a chance to profit by legislative experience and that it might make the legislature more willing to call a constitutional convention.

No organized opposition to the amendment has developed. With regard to the three-fifths majority requirement, arguments have been conflicting. Some maintain that this majority is too high to make constitutional revision practicable. Others say that the same rule that is now applicable to constitutional amendments should be followed. An opposition argument of more substance concludes that legislators should have no part in the revision process, since the convention will review the legislative article, about which much public objection has been made.

An imposing list of groups constituted the organized support for Amendment No. 2 in 1952. Among them were the Minnesota League of Women Voters, the State Bar Association, Minnesota Farmers' Union, Duluth Trades and Labor Assembly, Good Government Group of Minneapolis, Machinists Non-Partisan Political League, Minneapolis Central Labor Union, National Council of Jewish Women, Republican State Central Committee, St. Paul Trades and Labor Assembly, and the Minneapolis Chamber of Commerce. At the present time, the League of Women Voters is committed to support the amendment again, but the other organizations have not taken a stand.

Amendment No. 4 (Laws 1953, Ch. 762)

The constitution (Article 5, Section 4) stipulates that the governor is to fill vacancies in certain enumerated offices and in other offices as may be created by law until the next election. Since this provision was adopted when state elections were held each year, the attorney general has construed it to mean appointment until the next state general election. Pursuant thereto, the legislature, in M.S.A. 205.05, has required that when a vacancy occurs in the office of United States senator the governor's appointee shall serve until the election and qualification of the person elected to fill the vacancy.

The effect of this section of the constitution, the statute, and attorney general's opinions has been to create an interim period between the election of a person to fill a vacancy and the time he takes office. The situation arises in this way: an official elected in November takes office on the first Monday of the next January. The incumbent, of course, does not relinquish his office until the latter date. Thus in the normal course of events there is no break in the continuity of office.

However, if an incumbent dies or resigns the term of office of the person appointed to fill his position expires on the day of the general election. The person elected does not assume office until January. In order to avoid the situation of having an office vacant from November until January, Minnesota has been forced to hold elections for the so-called "short term".

Amendment No. 4 would remove this difficulty by requiring the governor to fill vacancies in office until the end of the term or until the first Monday in January following the next general election, whichever is sooner.

Advocates of the amendment would argue that the necessity of a short-term election is wasteful on two counts. Not only is there the added expense of the election, but also the holder of the short-term office may receive compensation while performing no duties of any kind. This would be the case, for example, when a short-term election must be held for lieutenant-governor, or for U.S. Senator when Congress is not in session. Another argument is that two elections for the same office may be so confusing to the voters that even the result of the election may be influenced.

At the present time there are no organized groups supporting or opposing the amendment.

James G. Coke
Research Fellow

JGC:anb
4-13-54

September 21, 1954

Mrs. Roger Klein, Voters Service Chairman
League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

Dear Mrs. Klein:

Your letter of September 20 addressed to Attorney General Burnquist has been referred to the writer for reply.

You refer to proposed amendment No. 4 to the State Constitution which will be submitted to the voters at the general election and inquire as to whether the word "district" contained in the proposed amendment would apply to vacancies in the office of United States senator.

This office cannot give a formal opinion on the question you submit. The writer is very glad to comment personally and informally upon your question.

The constitutional authority for the filling of a vacancy in the office of United States senator comes from the Seventeenth Amendment to the United States Constitution. It reads as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Mrs. Roger Klein

-2-

Sept. 21, 1954

It will be noted that the said constitutional provision gives to the state legislature the right to empower the executive to make temporary appointments. In the exercise of this power, the legislature enacted what appears as Minnesota Statutes 1953, § 205.05. This reads:

"Upon failure to choose a senator in congress or upon a vacancy in the office the vacancy shall be filled for the unexpired term at the following biennial state election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy; provided, that there shall be no election to fill the unexpired term at any biennial election occurring in a year immediately preceding the expiration of such term and in that event the person appointed by the governor to fill the vacancy shall serve until the expiration of such term."

Accordingly, it is my opinion that, in view of the fact that the authority for filling vacancies is derived from said Amendment XVII of the Federal Constitution, that provision of the Constitution and said § 205.05 would control in respect to the term of a person appointed to fill a vacancy in the office of United States senator and that said proposed amendment No. 4 would not apply to that office. It will be noted, however, that the last clause of § 205.05 eliminates the so-called "short term" in the office of United States senator.

Very truly yours

Donald C. Rogers
Assistant Attorney General

DCR GEK

1954

? Do You Know ? That Failure To Vote On An Amendment Is A "No" Vote?

On November 2nd You Will Vote on 4 Amendments to the Minnesota Constitution

- 1. PROBATE JUDGES**
 - A. Gives the legislature authority to set up qualifications for probate judges.
 - B. Enables the legislature, by a two-thirds vote, to establish and extend duties of the probate court.
- 2. STOCKHOLDER LIABILITY**
 - A. Eliminates the present liability provision relating to stockholders in a banking or trust corporation or association.
 - B. Vests in the legislature the power to regulate stockholder's liability in all kinds of corporations.
- 3. REVISION OF CONSTITUTION**

Clears the way for a constitutional convention by providing that:

 - A. Any revision of the state constitution must be submitted to the people for approval.
 - B. Approval must be given by three-fifths of those voting on the revision.
 - C. State legislators be eligible for election as delegates to a constitutional convention.
- 4. VACANCIES IN ELECTIVE OFFICES**
 - A. Eliminates elective offices for the "short term" between the general election and the first Monday in January.
 - B. Enables the governor to fill a vacancy by appointment until the first Monday in January when a successor is elected and qualified.

The League of Women Voters provides this factual information as a public service to help you make a decision for or against these amendments.

For Further Information About These Amendments Write
LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 South Tenth Street, Room 406
Minneapolis 3, Minnesota



VOTE "YES" ON AMENDMENT NUMBER 3

The League of Women Voters of Minnesota has long advocated revision of our state constitution as an aid to achieving efficiency and economy in government. We believe passage of Amendment No. 3 is the first step toward this goal.

June 18, 1954

Dear Mr. Lund,

We would like the enclosed copy set up for an $8\frac{1}{2}$ x 11 page.

The lines 1, 2 and 3 "Do You Know..." should be set in large italics. Line 4 "ON NOVEMBER" should be set in the same size as lines 1, 2 and 3, but in a bold face type. The type for the remaining text may be set as you suggest with the exception that the numbers be large and distinguishable from the other copy.

We would like a very inexpensive paper and will be ordering between 50,000 and 75,000. Would you call me about the prices?

Thank you.

Mrs. E. H. Newstrom
Executive Secretary

75,000

Broadsides @ \$ 267

45¢	100	<u>3.75</u>	75¢
3.50	500	<u>6.00</u>	3.00
6.50	1000	<u>25.00</u>	5.
30.00	5000	<u>45</u>	22.50
50.00	10,000	<u>80</u>	\$40
?	20,000		75
?	25,000	<u>100</u>	90

75,000
packaged by 1,000
sheets

3.6 per 100

??? Do You Know ???

That Failure To Vote On An Amendment

Is A "No" Vote?

ON NOVEMBER 2ND YOU WILL VOTE ON ⁴ AMENDMENTS TO THE MINNESOTA CONSTITUTION

1. PROBATE JUDGES
 - A. Gives the legislature authority to set up qualifications for probate judges.
 - B. Enables the legislature, by a 2/3 vote, to establish and extend duties of the probate court.
2. STOCKHOLDER LIABILITY
 - A. Eliminates the present liability provision relating to stockholders in a banking or trust corporation or association.
 - B. Vests in the legislature the power to regulate stockholder's liability in all kinds of corporations.
3. REVISION OF CONSTITUTION

Clears the way for a constitutional convention by providing that:

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 - B. Approval must be given by 3/5 of those voting on the revision.
 - C. State legislators be eligible for election as delegates to a constitutional convention.
4. VACANCIES IN ELECTIVE OFFICES
 - A. Eliminates elective offices for the "short term" between the general election and the 1st Monday in January.
 - B. Enables the governor to fill a vacancy by appointment until the 1st Monday in January when a successor is elected and qualified.

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For Further Information About These Amendments Write

LEAGUE OF WOMEN VOTERS OF MINNESOTA
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

(Union symbol)

VOTE "YES" ON AMENDMENT NUMBER 3

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? DO YOU KNOW ?

THAT FAILURE TO VOTE ON AN AMENDMENT

IS A "NO" VOTE?

On November 2nd You Will Vote on
4 Amendments to the Minnesota Constitution

- | | |
|----------------------------------|--|
| 1. Probate Judges | A. Gives the legislature authority to set up qualifications for probate judges.
B. Enables the legislature, by a two-thirds vote, to establish and extend duties of the probate court. |
| 2. Stockholder Liability | A. Eliminates the present liability provision relating to stockholders in a banking or trust corporation or association.
B. Vests in the legislature the power to regulate stockholder's liability in all kinds of corporations. |
| 3. Revision of Constitution | Clears the way for a constitutional convention by providing that:
A. Any revision of the state constitution must be submitted to the people for approval.
B. Approval must be given by three-fifths of those voting on the revision.
C. State legislators be eligible for election as delegates to a constitutional convention. |
| 4. Vacancies in Elective Offices | A. Eliminates elective offices for the "short term" between the general election and the first Monday in January.
B. Enables the governor to fill a vacancy by appointment until the first Monday in January when a successor is elected and qualified. |

The League of Women Voters provides this factual information as a public service to help you make a decision for or against these amendments.

for Further Information About These Amendments Write
LEAGUE OF WOMEN VOTERS OF MINNESOTA
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

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1951

? Do You Know ? That Failure To Vote On An Amendment Is A "No" Vote?

On November 2nd You Will Vote on 4 Amendments to the Minnesota Constitution

- 1. PROBATE JUDGES**
 - A. Gives the legislature authority to set up qualifications for probate judges.
 - B. Enables the legislature, by a two-thirds vote, to establish and extend duties of the probate court.

- 2. STOCKHOLDER LIABILITY**
 - A. Eliminates the present liability provision relating to stockholders in a banking or trust corporation or association.
 - B. Vests in the legislature the power to regulate stockholder's liability in all kinds of corporations.

- 3. REVISION OF CONSTITUTION**

Clears the way for a constitutional convention by providing that:

 - A. Any revision of the state constitution must be submitted to the people for approval.
 - B. Approval must be given by three-fifths of those voting on the revision.
 - C. State legislators be eligible for election as delegates to a constitutional convention.

- 4. VACANCIES IN ELECTIVE OFFICES**
 - A. Eliminates elective offices for the "short term" between the general election and the first Monday in January.
 - B. Enables the governor to fill a vacancy by appointment until the first Monday in January when a successor is elected and qualified.

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For Further Information About These Amendments Write
LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 South Tenth Street, Room 406
Minneapolis 3, Minnesota



VOTE "YES" ON AMENDMENT NUMBER 3

The League of Women Voters of Minnesota has long advocated revision of our state constitution as an aid to achieving efficiency and economy in government. We believe passage of Amendment No. 3 is the first step toward this goal.

To: Mrs. Klein
 Mrs. Young
 Miss Stuhler
 Mrs. Kane
 Mrs. Fountain

From: Luella

Here is the information on the proof that will be going to the printer for the
broadside on ^{the 4} Amendment~~S~~. Will you please make any suggestions and send them
to the office by Tuesday, June 1st? Thanks much for your help.

??? DO YOU KNOW ???

THAT FAILURE TO VOTE ON AN AMENDMENT
IS A "NO" VOTE?

On November 2nd you will vote on four amendments to the Minnesota Constitution.

1. PROBATE JUDGES
 - A. Gives the legislature authority to set up qualifications of probate judges.
 - B. Enables the legislature, by 2/3 vote, to establish and extend duties of the probate court.
 - C. Clarifies and defines jurisdiction of the Probate court to include the right to commit unfortunate persons and act as juvenile court judges.
2. STOCKHOLDER LIABILITY
 - A. Eliminates the double liability clause of the present section.
 - B. Provides the legislature the ^{power to} exclusive authority to regulate stockholders liability in all kinds of corporations.
3. REVISION OF STATE CONSTITUTION
 - A. Clears the way for a constitutional convention by: Providing for a ^{the many} 3/5 vote of the ^{people} to approve a revised constitution when drawn up by a convention.
 - B. Providing that all Minnesota citizens, including state legislators, are eligible for election as delegates to such a convention.
4. FILLING VACANCIES IN ELECTIVE OFFICES BY THE GOVERNOR
 - A. ~~Will~~ Eliminate the "short term" elective office between the general election and the 1st Monday in January *which now arise when appointments are made by*
 - B. ~~Will~~ Enable the governor to fill a vacancy by appointment until a successor is elected and qualified. *the Governor to fill vacancies.*

The League of Women Voters of Minnesota provides this factual information as a public service to help you make a decision for or against these amendments.

For Further Information About These Amendments Write

League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis, Minnesota
(Union Symbol)

VOTE "YES" ON AMENDMENT NUMBER 3.

The League has long supported measures to improve our state government machinery. We believe passage of this amendment is crucial to constitutional revision.

Automobile Association Suggests Tentative Highway Constitutional Amendment

At the August 30 and September 20 meetings of the Highway Study Commission, E. Ray Cory, member of the commission and president of the Minnesota State Automobile Association, presented to the commission a tentative constitutional amendment which he hoped would be the focus of constructive study.

The Automobile Association plan, which has been worked out in collaboration with the State Highway Department, popularly called the "Cory Plan", involves several basic compromises with the A.S.F. and P.A.S. recommendations (which were summarized in the September issue of MINNESOTA MUNICIPALITIES, pages 238-243). The proposal in effect would avoid the controversy and uncertainty involved in (a) taking 3,000 miles out of the trunk system (as recommended by A.S.F.), (b) moderately increasing and re-vamping the highway user taxes (as recommended by P.A.S.), and would deal less liberally in the sharing of highway user taxes for local road and street purposes than was recommended by P. A. S. It would hope to secure a united front support from the commission, the legislature and the people of the state.

The plan accepts the tentative conclusion of the commission that the longest program among the alternatives set forth by A.S.F. is the 15-year program. It includes estimates of growth in the present highway user tax revenue of the state over a period of the next 15 years and suggests that this revenue without increases in rates can adequately finance the highway needs on a 15-year basis and if the revenues are shared in accordance with the plan's formula and conditions.

Essentially the Cory Plan for sharing would reduce somewhat the trunk system's share over its present allocation; it would increase the county share a little and would provide a substantial fund for municipalities which under the present constitution have been almost entirely neglected. Townships or local rural roads would get no share except for a modest escape clause

where local county and township taxes do not produce \$200 per mile of road. In municipalities residential streets likewise would not share. In other words, the Cory Plan provides that the highway user taxes should be limited to the trunk system and the secondary systems (meaning in counties the "county primary system" and in cities "arterial streets").

County primary roads to be eligible for highway user tax revenue would be selected by joint action of the county boards and the State Highway Department. Municipal arterials would be selected by joint action of the councils and the State Highway Department. The plan provides for no direct allocation to municipalities under 2500 population, but would establish a separate 2% fund for the counties to be used for the indirect benefit of such smaller municipalities through the extension of county roads within their limits as at present.

The plan also provides that when trunk projects are built within municipal limits the municipality shall be required to pay at least 30% of the cost of such projects in contrast to the present practice in which all or nearly all of such projects are financed out of highway funds. However, it is provided that this required 30% matching may result in an additional allocation for the cities' "arterial" fund.

The plan also provides authority for the counties to borrow without referendum up to \$250,000 to accelerate state aid construction programs or to match federal aid apportionments. It also authorizes municipalities to borrow from the state on a 15 year installment plan.

Under the Cory Plan the highway user tax sharing percentages (out of one combined instead of two funds) are (a) 62% for the state trunk system, (b) 22% to counties for the county primary systems, (c) 2% to the counties for urban places under 2500 population, (d) 14% to municipalities over 2500 population for arterial streets. The county fund allocated to counties would be pre-

mised upon three factors of land area, rural population, and mileage of rural roads. The municipal arterial fund would be allocated to municipalities on a straight per capita basis (not a variable per capita with larger per capitae for the larger cities as recommended by P.A.S.)

In dollar terms these shares would work out approximately as follows, on the basis of \$80,000,000 annual highway use taxes:

(a) the 62% share for the trunk system would produce \$49,600,000 or \$16.53 per capita for the entire state population;

(b) the 22% county share would produce \$17,600,000 or an average of \$17.60 per capita for the rural population;

(c) the 2% county fund for smaller municipality extensions would produce \$1,600,000 or an average of \$4.00 per capita for the 400,000 population in those places;

(d) the 14% municipal arterial share would produce \$11,200,000 or \$7.00 per capita for 1,600,000 population in places over 2500 (there would be an addition to this for cities' 30% contribution to trunk projects).

The foregoing estimates relate only to highway user taxes; the counties would also have property tax support; the municipalities would also have property tax and general revenues, special assessments and commercial revenue to assist in support of highway costs.

The plan also establishes for the Twin City urban area a metropolitan highway commission which would take over from the Highway Department and the councils of municipalities in the area all state trunk highways in the area, with the composition of the commission to be established by the legislature but with the commissioner of highways to act as chairman.

Proposed Constitutional Amendment

The specific wording of the latest revision of the Cory proposal for a constitutional amendment follows:

SECTION 1. All Road User revenue shall be placed in the State Road and Bridge Fund.

This article shall be in effect on and after July first following its passage.

SECTION 2. Such funds shall be apportioned as follows:

- (a) Sixty-two per cent (62%) to the State Highway Department for construction, reconstruction, maintenance and operation of a State trunk highway system, not exceeding twelve thousand two hundred miles (12,200) in total extent, not including additional mileage which may be required by Federal regulation on the Interstate System.
- (b) Twenty-two per cent (22%) to counties for construction, reconstruction and maintenance of a State-Aid road system outside of urban areas not exceeding twenty-eight thousand (28,000) miles in total extent so located as to include the major Inter-County and Intra-County routes providing the most practical and direct connections for the principal centers of community interest. The routes of the State-Aid system in a county shall be selected by joint action of the Board of County Commissioners and the State Highway Department and shall be constructed, reconstructed and maintained in accordance with such regulations as may be formulated by the Commissioner of Highways; provided that where the County Board can establish their inability with a combined county and township levy of 30 mills for roads and bridges to provide for reasonable maintenance on the remaining local road mileage, an application may be made to the Allotment Board for a special maintenance allotment to be applied on a limited mileage of local roads. The Commissioner of Highways shall select and certify to cases warranting such special allotments.
- (c) Two per cent (2%) of the State Road and Bridge Fund shall be apportioned to counties in the ratio which the population of cities and villages under two thousand five hundred (2,500) population within a county bears to the total population of cities and villages under two thousand five hundred (2,500) population. Such moneys as are available under this apportionment may be used for the construction, reconstruction and maintenance of State-Aid roads within cities and villages under two thousand five hundred (2,500) population in accordance with project agreement between the County Boards of Commissioners and the respective city or village councils. Urban areas shall include all incorporated cities and villages of two thousand five hundred (2,500) population or more as shown by the latest available Federal census, together with adjacent places of less than two thousand five hundred (2,500) population which by nature of location and/or need are urban in character. The boundaries of such urban areas shall be fixed by the Commissioner of Highways,

- (d) Fourteen per cent (14%) to cities and villages in urban areas for the construction, reconstruction and maintenance of a system of major arterial streets and highways: the routes of the major arterial street and highway systems in a municipality shall be selected by joint action of the council and the State Highway Department and shall be constructed, reconstructed and maintained in accordance with such regulations as may be formulated by the Commissioner of Highways; provided that all or any portion of funds allocated under this provision may, at the discretion of the municipality, be used to partially finance construction or reconstruction of state trunk highway extensions within the municipalities.

- (e) The percentages in sub-sections (a), (b), (c) and (d) may be increased or reduced one-tenth (1/10) by the Legislature six (6) years from the passage of this amendment and at six (6) year intervals thereafter.

SECTION 3. The formula for the apportionment to counties of ninety-five per cent (95%) of the funds provided under Section 2 (b) shall be as follows:

One-third (1/3) on the basis of the land area of the county.

One-third (1/3) on the basis of the land population of the county according to the latest available Federal census.

One-third (1/3) on the basis of the mileage of rural roads and those streets not included in the urban category.

The remaining five per cent (5%) of such funds shall be apportioned by the Allotment Board to provide additional assistance to counties having topographic and geological handicaps, large bridge or other exceptional construction costs.

SECTION 4. The apportionment to cities and villages in urban areas of the funds provided under Section 2 (d) shall be on the basis of population as shown by the latest available Federal census.

SECTION 5. Municipalities in urban areas shall participate in the cost of constructing and reconstructing state trunk highways extending into, through or around such urban areas by using their credit to finance not less than thirty per cent (30%) of such construction and reconstruction costs. Upon entering into an agreement with the State Highway Department to finance at least thirty per cent (30%) of construction or reconstruction costs, a municipality shall be granted an increase of not to exceed fifty percent (50%) of its annual state-aid allotment until the principal amount of funds advanced is reimbursed in full. Agreements shall define the nature, extent and total costs of each project together with such terms of financing as are mutually agreeable to both the city or village councils and the Commissioner of Highways.

SECTION 6. The cities of Minneapolis and St. Paul and surrounding cities and villages shall comprise the Twin City Urban Area. All state trunk highways within the Twin City Urban Area shall be constructed, reconstructed, maintained and operated by a

commission to be known as the Metropolitan Highway Commission. The composition and membership, as well as the duties, responsibilities and compensation of the Metropolitan Highway Commission shall be determined by the Legislature. The Commissioner of Highways shall be ex-officio chairman.

SECTION 7. When authorized by the Legislature, bonds may be issued by the state for use by the Metropolitan Highway Commission to finance a portion of the costs of constructing and reconstructing such trunk highway projects within the Twin City Urban area as are approved by the Commission. Annual payments of principal and interest on such bonds shall be made from funds available to the State Highway Department.

SECTION 8.

- (a) County Boards of Commissioners are hereby authorized to issue highway bonds not to exceed two hundred fifty thousand dollars (\$250,000) without referendum, to accelerate State-Aid construction programs or to match Federal-Aid apportionments. Any county issuing bonds under this provision may use from its State Aid allotment such amounts as are necessary to meet annual payments until the obligation is retired. Such authorization shall be in effect after February 1, 1955.

- (b) A municipality, upon executing an agreement with the State Highway Department to finance not less than thirty per cent (30%) of the cost of urban trunk highway projects approved by the State Highway Department, is hereby authorized to issue bonds to cover its share of construction costs; provided, that when a municipality issues bonds to finance its share of an approved trunk highway project, it shall be reimbursed for the amount of its obligation in accordance with the provisions of Section 5. This authorization shall be effective February 1, 1955.

SECTION 9. Upon recommendation of the local governing body or, in the case of the Twin City Urban Area, the Metropolitan Highway Commission, the Commissioner of Highways is authorized to extend trunk highway routes in or around urban areas and to provide connections between established routes. The total length of such extensions and connection established under this Section shall not exceed ten (10) miles in any one year.

SECTION 11. Any and all provisions of the Constitution of the State of Minnesota inconsistent with provisions of this article are hereby repealed so far, but only so far as the same prohibit or limit the power of the Legislature to enact laws authorizing or permitting the doing of the things herein before authorized.

Revenue Estimates

The Cory Plan is premised upon the estimated growth of highway user revenue in Minnesota for the fiscal years 1956-1970, pictured in the chart on page 265.

Cory Comments on Plan

Mr. Cory in commenting on his plan spoke as follows at the August 20 meeting of the commission:

I see no insurmountable crisis in our present highway picture. There are adjustments which I honestly feel are necessary in order to give us a well balanced program for all our roads and streets—adjustments which will enable all levels of government to cooperate and synchronize their efforts behind a campaign which might have as its theme: "One Transportation System for Minnesota".

That is the crux of what all of us are really seeking—one transportation system—with a planned program for improving all our roads and streets, but doing so in balance, so that the improvements are made at a reasonably similar pace on all systems.

To put it another way, all levels of government involved in this highway problem have—in reality, one common goal for either a formal or informal plan of improvement on all roads and streets. As the senior partner in attaining this common goal, the state, both legislatively and administratively, must assume responsibility for coordinating the long range program; not, however, disregarding the legal status and interests of the local agencies which are also charged with certain autonomous responsibility for road administration. The over-all state program should be a cooperative effort and embrace the administrative thinking of all road agency heads. This ensures the widest possible area of common interest. And common interests alone will tend to develop the attitudes on the part of state, county, township and municipal officials, which will lead us logically and surely to this one transportation system for Minnesota.

I have said before that we must all be statesmen about this problem and look at it from the viewpoint of what is best for the economy of the state as a whole. I have tried to do that in this presentation I am going to make. I have no particular axes to grind or any special interests to protect. Representing, as I see it, the great bulk of the people who not only use the highways but pay for them, I can be very objective in my appraisal.

If all of us are completely objective, I think we will have to admit, from what we have seen and heard and read over the past several months, that there are four basic problems, four broad issues, each at a separate level of government.

The issues as I understand them in their simplest terms from testimony given at our hearings . . . and without any of the frills or details . . . are these:

First, *the townships have a problem.* By their own levies, they cannot raise enough money to maintain and service their many miles of local roads to the standards they want. They need help from the counties, particularly where expensive, heavy equipment is required, such as in snowplowing. Their primary problem is not building more or better roads but to maintain and service what they already have. They merely want to be able to use their roads when they need them. But to do this,

they want help, in many instances, from the counties.

Second, *the counties have a problem, too.* They would help the townships if they could and, in many instances, actually have been helping the townships within the limits of their ability to do so. It seems reasonable to assume, therefore, that the counties generally would effect a very favorable working relationship with their townships—and no doubt a very efficient one—if only they had the money and the plan to do it.

But the big problem for the counties is that they are strapped by an old formula for the distribution, among themselves, of their share of highway revenues, a formula which is entirely out of balance with their respective needs. They are faced with ever-increasing demands from the townships, on the one hand, and from the cities on the other. They know the needs . . . but the present formula just doesn't put the money where it is needed.

Third, *the cities have a problem . . .* and a shocking one. More people and more cars have created demands for large streets and highway expenditures not only within the city limits but on out into the fringe areas and the approaches. In the major metropolitan areas, the need is so great and so acute that it has gone beyond

the realm of the county—or even the state—to handle it on a piecemeal basis. It is a problem which requires unity of planning and action between all cities and suburbs over a wide area. The projects are big and expensive and need doing now.

Fourth, *the state has its problems, too.* It has a considerable mileage of road which should not rightfully be on the state trunk system. Our major road network could be a far better and more efficient one if it were based on need rather than on political expediency.

But the State's biggest problem, particularly in view of the expanded program which must come at all levels, is the need for qualified engineers to plan and execute that expanded program. If we ever expect to get the most roads and streets for our highway dollar, we must expect also that the engineers are top-flight, well-qualified professional men, with a maximum of opportunity for advancement and a minimum of restriction under civil service laws. We must not only open new horizons for much of the fine engineering talent we now have, we must also provide means to attract top-flight men in the first instance for the job that lies ahead.

(Continued on Page 279)

ESTIMATED GROWTH OF
HIGHWAY-USER REVENUE IN MINNESOTA
FISCAL YEARS 1956-1970

