

13429
C. D.

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT
P R O C L A M A T I O N

WHEREAS, by the enactment of Chapter 809, Laws of 1957, the Legislature proposed an amendment to the Constitution of the State of Minnesota relating to local government and revising and consolidating the provisions thereof; amending Article XI and Article IV, Section 33, and repealing Article IV, Section 36, for the approval or rejection of the electors of the State at the recent election held on the fourth day of November, 1958, providing that Article XI and Article IV, section 33, upon the adoption of said amendment, shall read as follows:

ARTICLE XI

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

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 Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same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

"Sec. 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall

become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

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

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

ARTICLE IV

"Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XX, and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons

under disability; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing, extending or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. The inhibitions of local or special law in this section shall not be construed to prevent the passage of general laws on any of the subject enumerated.

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

"Sec. 36. This section is repealed."

AND WHEREAS it appears from the official canvass of the votes cast at said election held on the fourth day of November, 1958, for and against the aforesaid proposed amendment, made in conformity with the law, that the majority of all electors voting at such election voted for its adoption;

NOW, THEREFORE, I, Orville L. Freeman, Governor of the State of Minnesota, by virtue of the authority vested in me and in compliance with law, do hereby publish and proclaim that said proposed amendment to Article III and Article IV, Section 33, and repeal of Article IV, Section 36, has been ratified and adopted as prescribed by the constitution and laws of the state.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed this twentieth day of November, 1958.


Governor of the State of Minnesota

Attest:


Secretary of State



#13929