

ORIGINAL

HON. JULIUS A SCHMAHL,  
SECRETARY OF STATE.

SIR:

As required by Section 25 of the Revised Laws as amended, I have the honor to furnish you, herewith, a statement of the purposes and effects of the respective amendments proposed to the Constitution of the State of Minnesota by the Legislature of 1909, and which are to be submitted to the electors in said state at the general election in 1910.

FIRST PROPOSED AMENDMENT.

The first proposed amendment is contained in Chapter 506 of the Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is sought to authorize the payment by the State from the State Road and Bridge Fund of one-half of the cost of constructing or improving any road or bridge therein, and is an amendment of Section 16 of Article 9 of the Constitution which now reads as follows:

"Section 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund to be known as the 'state road and bridge fund,' said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

"The Legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing in its discretion, for an annual tax levy upon the property of this state of not to exceed in any year one-fourth ( $1/4$ ) of one mill on all the taxable property within the state.

PROVIDED, that no county shall receive in any year more than three (3) per cent or less than one-half ( $1/2$ ) of one (1) per cent of the total fund thus provided and expended during such year; and provided further, that in no case shall more than one-third ( $1/3$ ) of the cost of constructing or improving any road or bridge be paid by the state from such fund."

and to substitute therefor the following:

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"Section 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the 'state road and bridge fund,' said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

The legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in its discretion, for an annual tax levy upon the property of this state of not to exceed in any year one-fourth ( $1/4$ ) of one mill on all the taxable property within the state.

PROVIDED, that no county shall receive in any year more than three (3) per cent or less than one-half ( $1/2$ ) of one (1) per cent of the total fund thus provided and expended during such year; and provided, further, that in no case shall more than one-half ( $1/2$ ) of the cost of constructing or improving any road or bridge be paid by the state from such fund."

EFFECT. The present Constitution authorizes the payment by the State, out of such fund so created of one-third ( $1/3$ ) of the cost of constructing or improving any road or bridge therein. If this amendment is adopted the State could then pay one-half ( $1/2$ ) of the cost of constructing any such road or bridge, and the effect of the amendment is thus to increase the amount which the State may lawfully pay toward such purpose.

#### SECOND PROPOSED AMENDMENT.

The second proposed amendment is contained in Chapter 507 of the Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is proposed to repeal the provisions of Section 11 of Article IX of the Constitution, which section now reads as follows:

"Section 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January of each year, and in the next volume of the acts of the legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purposes and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom."

EFFECT. The Constitution requires the treasurer to publish yearly a detailed statement of the moneys drawn from the treasury during the preceding year, giving the names of the persons to whom paid and the purposes for which it was expended. It also requires a like statement of the names of the persons, and the sources, as to money received, and in both cases a statement of the law under which payments were made, or money paid into the treasury. The effect of this Amendment, if the same be adopted, will be to repeal the section of the Constitution mentioned and insofar relieve the treasurer from such publication. This change in the Constitution, however, would not prevent the legislature from hereafter directing by law that such, or a different publication, of the same or other information should be made by the Treasurer.

THIRD PROPOSED AMENDMENT.

The third proposed amendment is contained in Chapter 508 of the Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is proposed to add an entirely new section to Article IX of the Constitution, to be known as Section 17, and which shall read as follows:

"Section 17. The legislature may provide for the payment, by the State of Minnesota, of damages to growing crops by hail and wind, or either, and to provide a fund for that purpose, including the necessary expenses of giving effect to this act, may impose a specific tax upon lands, the owners of which, at their option, have listed the same with county auditors for that purpose, and no payment shall be made of any such damages except from the fund so provided."

EFFECT. The effect of this Amendment, if adopted, will be to authorize the State to become a trustee in the collection and disbursement of a fund for the payment of damages to growing crops by hail or wind, or either. This fund is to be created and maintained by a specific tax imposed by the legislature upon the lands of such persons, only, as shall voluntarily list the same with their respective county auditors for that purpose. Under it there

could be no tax for such purpose imposed on the lands of any owner who does not consent thereto. The legislature is also authorized to include in such fund the necessary expenses of administration of the law. The adoption of the amendment will authorize the legislature to direct that the taxing machinery of the state be used to levy and collect the tax necessary to raise such fund and to provide for the disbursement of same by the officers of the State; but any payments to be made, by the State, by reason of damage by hail or wind will have to be made from such fund and from no other. In the settlement of any such damages the State would assume no liability beyond the amount of such fund, and could not further be rendered liable. A similar amendment was offered at the general election of 1908 but not adopted. The amendment then offered read as follows:

"Section 17. The legislature may provide for the payment by the State of Minnesota of damages to growing crops by hail and wind, or either, and to provide a fund for that purpose, may impose a specific tax upon lands, the owners of which, at their option, have listed the same with county auditors for that purpose, and no payment shall be made of any such damages except from the fund so provided."

The main difference between the amendment now offered, and the one last quoted, being that the legislature is now to be authorized, in addition to providing a fund for the purpose of paying damages to growing crops by hail and wind, or either, to further provide an additional tax upon the lands of the persons so listing the same, to meet the necessary expenses incurred in the administration of the law and thus relieve the State therefrom. This last provision was not included in the amendment offered in 1908.

#### FOURTH PROPOSED AMENDMENT.

The fourth proposed Amendment is contained in Chapter 509, General Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is sought to repeal Section 23 of Article IV of the Constitution, which section now reads as

follows:

"Section 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article."

and to substitute therefor the following:

"Section 23. The legislature shall provide by law for enumeration of the inhabitants of this State in the year 1915 and every ten (10) years thereafter. At any session after any enumeration of the inhabitants of this state made pursuant to law and also at any session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, or any of the same, and to apportion anew the senators and representatives among the several districts according to the provisions of section 2 of this article."

EFFECT. The effect of this Amendment will be to direct the legislature to provide for a census of the inhabitants of the State in the year 1915, and every tenth year thereafter, and will also authorize the legislature to change the boundaries of congressional, senatorial and representative districts, or of any one of such districts, and to apportion anew the senators and representatives among the several districts, at any session after any State or Federal census. If adopted, the legislature might therefore, if it deems best, change at any session the boundaries of such districts and apportion anew the senators and representatives and thus redistrict the State every two years.

FIFTH PROPOSED AMENDMENT.

The fifth proposed amendment is contained in Chapter 510, Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is sought to add an entirely new section to Article IX of the Constitution, to be known as

Section 18, and which shall read as follows:

"Section 18. To secure a sustained yield of timber for the use of the people of this state, the proper officials shall annually levy and collect a tax of one-fifteenth of one mill on each dollar of taxable property within this state, the proceeds of which shall be used for the purchase of land better adapted for forestry purposes than for agriculture for the state at not over \$3.00 per acre, and for the production and maintenance thereon of forest according to forestry principles.

Unexpended balances shall not lapse but constitute a fund for forestry purposes.

The timber produced thereon shall be sold at a fair valuation and the revenue therefrom or from other source shall be paid into the state treasury, except that one-quarter of the net revenue shall be paid to the towns or if unorganized, to the county, in which the land is situated, in aid of public schools and roads.

Should any tract acquired be found better adapted for any other purpose than the production of timber, it may be sold and the proceeds used for acquiring or developing forestry land.

Until otherwise directed by the legislature, which may supplement these provisions with necessary enactments, the state forestry board shall draw and disburse the money hereby provided and purchase, manage and control the lands and forests.

No money shall be paid for any tract until the attorney general shall certify to the validity of the title.

It shall be competent for two successive regular legislatures, by a two-thirds vote of each house, to repeal any of these provisions."

EFFECT. This proposed amendment, and the proposed amendment hereinafter mentioned should be read together. They constitute the foundation for a plan of State reforestation. As the constitution stands today, while the legislature might pass laws providing funds to be used for the purchase of lands, and the cultivation of the same for reforestation purposes, yet it is not directed to do so. The effect then of this amendment is to compel the taxing officers of the state to annually levy and collect a tax of one-fifteenth of one mill on each dollar of taxable property in the state, to be used as the legislature shall direct, for the purchase for the State of land adapted to forestry purposes, but at a price not to exceed \$3 per acre. All unexpired balances in the fund at the end of each fiscal year shall not lapse, but shall be carried over into the fund thus raised for the succeeding year and shall be

an addition thereto. It also directs the sale, at a fair valuation, of the timber produced on such land so purchased, the payment of three-fourths of the money received therefrom into the state treasury, and the payment of the remaining one-fourth to the town, if organized, or otherwise to the county in which the land is situated, and that the same shall there be credited to the public school funds. If after the land is purchased it is found better adapted for any other purpose than the production of timber, authority is contained in this amendment to sell it, but the proceeds must be used for acquiring or developing forestry land. Until the legislature provides otherwise, all purchases shall be under the direction of the State Forestry Board. The title to all lands purchased must be approved by the Attorney General before purchase is made. It is further provided that two successive regular legislatures shall have power by a two-thirds vote of each house to repeal any of the foregoing provisions. That is to say, if after a trial, such plan for any reason is found to be impracticable or undesirable, and it so appears to two successive legislatures, any or all of the foregoing provisions of the amendment may be repealed. The legislature does not now possess such power and the same is a distinct change in the methods heretofore in vogue in Minnesota, in the making and revising of the Constitution. Heretofore an amendment might only be made to the Constitution or a provision of that instrument eliminated by direct vote of the electors. Under this amendment, if it be adopted, that power is not taken away and also exists. But a new power, that of repeal by the legislature, as to this amendment, is created. Such power, however, would extend to no other provision of the Constitution and affords an easy method of change in case of necessity or advisability.

SIXTH PROPOSED AMENDMENT.

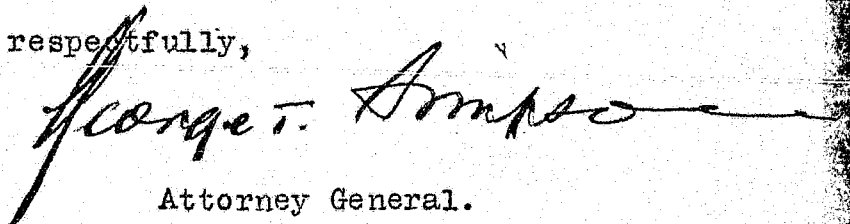
The sixth proposed amendment is contained in Chapter 511, Laws of Minnesota for the year 1909.

PURPOSE. By this amendment it is proposed to add an entirely new section to Article IX of the Constitution to be known as Section 17a, and which shall read as follows:

"Section 17a. - Laws may be enacted exempting lands from taxation for the purpose of encouraging and promoting the planting, cultivation and protection of useful forest trees thereon."

EFFECT. The effect of this amendment is to authorize the legislature to enact laws exempting from taxation lands of private persons to be used in the planting, cultivation and protection of useful forest trees thereon, and thus supplement where the lands of such private persons are devoted to reforestation, the purposes contemplated as to public lands by the fifth proposed amendment. The authority so granted is part of a general plan for the reforestation of land within the state. If the legislature does not pass such laws such lands will not be exempt and the power to repeal such a law, when enacted, remains with the legislature. Power to pass a law to exempt such lands from taxation the legislature does not now possess, and it is, therefore, an additional grant of power.

Yours respectfully,



Attorney General.



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DEPT OF MINNESOTA  
 DEPT OF STATE  
 Office of the Secretary  
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 Secretary of State

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PURPOSE. By this amendment it is proposed to amend Article IX of the Constitution of the State of Minnesota, and which shall read as follows:

"Section 17a. - There may be enacted enabling laws for the purpose of encouraging and promoting the planting, cultivation and protection of useful forest trees throughout the State."

REASON. The effect of this amendment is to authorize the Legislature to enact laws exempting from taxation lands of private persons to be used in the planting, cultivation and protection of useful forest trees thereon, and this exemption where the lands of such private persons are devoted to reforestation, the purpose contemplated as to public lands by the fifth proposed amendment. The authority so granted is part of a general plan for the reforestation of land within the state. If the Legislature does not pass such laws, the same will not be enacted and the land to be