CONSTITUTIONAL REFORMS IN MINNESOTA--

CHANGE BY AMENDMENTS 1947-1977

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I. STATE CONSTITUTIONS IN STATE GOVERNMENT

Reverence for the United State's Constitution has long been viewed as one of the central creeds in this country's political ethos. Despite its remarkable brevity, the federal document delineated this country's basic governmental framework, promulgated the protection of civil liberties, sought to divide powers between the newly established central government and the states, and spelled out the methods of formal amendment, should the need arise. By pointedly omitting unnecessary detail and by concentrating on fundamentals of structure, organization and purpose, this unique charter proved amazingly adaptable and expandable. Written for a very different day and circumstance, it nevertheless did withstand profound social, economic and technological change to emerge as one of the worlds oldest constitutions which continues to command widespread loyalty and even affection among the people of this nation.

Unlike the framers of the federal charter, the "founding fathers" of our state constitutions were not able to restrain themselves to the consideration of broad and general language, but preferred to express their views regarding the nature and functions of governance in great detail and with considerable specificity.

In as much as the great majority of these constitutions were written during the nineteenth century when this country was predominantly rural, when population densities were very low, the frontiers open, and industry small and widely dispersed, and the means of transportation and communi cations most rudimentary--state constitutions grew longer and more complex.

It might surprise the contemporary student of America's political institutions, but the credibility of Governors, legislators, judges and public officialdum in general, was uniformly low even then.

Since politicians could not be trusted, it was argued, state constitutions could best protect the people by keeping the terms of elective office short, by limiting the length of legislative sessions, by diffusing executive and judicial functions, by shackling local governments--and most of all--by severely circumscribing the powers of taxation, of spending, and of incurring public indebtedness.

As societal conditions, however, became more complex, and various publics demanded governmental service, assistance, or intervention, constitutional constraints once widely viewed as best assuring the Jeffersonian ideal of the minimalist state, received considerable criticism and challenge.

Corporate interests, particularly railroads, utilities, and insurance sought new public funds or charters. Populists, weary of excessive rates and charges, demanded improved public regulation and control. Tax revenues and trust funds were constitutionally dedicated and rededicated; highways routed and rerouted; debt limitations lowered and raised. Thus the constitutional documents grew longer as amendments were added upon amendments and as newly added provisions required clarification or revision.

Minnesota's constitutional development followed a very similar path. By the turn of the century this state had added more than 40 amendments, with the voters approving approximately 73% of the changes proposed to them.[1]

During the following half century the rate of ratification dropped precipitously to a level of 33%[2] aided no doubt by the so-called "brewer's" amendment which had become law in 1898. This measure was alledgedly motivated by the fear of the liquor industry that the prevailing formula

TABLE ONE

HISTORICAL REJECTION RATES OF MINNESOTA CONSTITUTIONAL AMENDMENTS[3]

1858-1974

Years	Number of Amendments Proposed	Number Adopted	Number Rejected	Percentage Adoptions	Percentage Rejections
1858-1898	66	48	18	72.7%	27.3%
1898-1946	80	26	54	32.5%	67.5%
1946-1974	43	28	15	65.12%	34.88%

of approving amendments by requiring a mere majority of the voters voting on the issue might threaten their particular interests and prohibit the liquor traffic. From thence forward an amendment could only carry if a majority of all electors voting at an election would register their approval.

While formal constitutional change became thus increasingly difficult, the public policy needs requiring such constitutional adaptations caused pressures to build and intensify over the years. The problem of constitutional change had to be addressed.

By the end of World War II it became clear that state and local governments had to respond much more effectively to newly articulated expectations for action if the public was to be served. Returning veterans demanded housing, jobs, and opportunities to attend the states colleges and universities; steeply rising birth rates necessitated the building of new schools, playgrounds and recreational facilities; city growth and suburban developments called for new streets, highways and sewage capacity. Capital building programs needed by state and local government, but deferred during the war years, called for increased bonding authority and flexible long term debt management.

Governors, legislators, and city councils felt strangled by an outdated 19th century constitution as they sought to meet the problems of the second half of the 20th century.

There was little question that new constitutional language had to be added to update the basic charter. At issue was the method of approach, Minnesota, as most other states, could proceed to add changes under its constitutional provisions either by the route of comprehensive revision through constitutional convention or by piecemeal revision through adding constitutional amendments.

Which of the two options to exercise became a question of basic political tactics. Those who preferred the more gradualist, step-by-step, approach of revision by amendment to the more fundamental and demanding effort of redrafting the entire document or substantial portions of it, stressed a number of practical considerations. They viewed the amendment process as requiring less time, less money, and as containing fewer political risks. A convention by way of contrast could only be convened following a two-thirds vote by both house and senate, to submit the question of calling such an assembly to the electorate (to be voted upon at the next general election). Then if approved by a majority vote, a subsequent legislative session would, by law, call for the election of convention delegates and for the actual operation of such an assembly. Should such a convention finally be called, convened, and come to an agreement on a new charter, the product of their deliberations would then once again have to be submitted to the people for their approval or rejection at the next general election. A three-fifths of the electors voting on the question would then bring a new constitution into effect.

Assuming no major delay or negative votes, the entire process could not be completed in less than five or six years from the point of its first legislative initiation. Still, such a constitutional convention could obviously be more carefully prepared, obtain the assistance of professional staff, involve wider representation, debate more adequately the complex issues, and involve general public discussion and attention.

Appropriate sections might be reconciled into a coherent and integrated set of compromises avoiding unwarranted contradictions and ambiguity. The very complexity of the convention, however, its expense and the uncertainty of final ratification of the labors of such a convention, make this path to revision obviously one of high risk and controversy. Not to be ignored, moreover, are strong apprehensions that the broad-stroke approach to consti-

tutional reform could engender serious political conflicts, polarize the public into bitter hostility, endanger existing political advantages, expressed rights and privileges or jeopardize past victories.

With no overwhelming and pressing popular insistence, and in the absence of the most compelling reasons for embarking on such a major effort of constitution—writing, the counsels of moderation in Minnesota searched for less risky sets of alternatives.

They found such an alternative device in the form and process of the Constitutional Study Commission. The model as provided by the 1947 Legislature envisaged the creation of a 21 member group including: 8 senators, 8 representatives, 4 gubernatorial appointees (1 from the executive branch and 3 citizens-at-large) and one person selected by the Chief Justice of the Minnesota State Supreme Court.

They were charged with two basic tasks:

> ....to study the 1857 Constitution and its amendments as they related "to political, economic, and social change and developments which have occurred and which may occur" and
>
> ....to bring to the upcoming session of the Minnesota Legislature a set of recommendations and proposed constitutional amendments.[4]

The choice of membership and its small professional staff proved fortuitous.[5] Chaired by Professor Lloyd M. Short, Director of the Public Administration Center at the University of Minnesota and by the experienced Senator Gordon Rosenmeir as Vice Chairman, the Commission set high standards of competence and of conscientious public service.

Working through eight committees for about 18 months of public hearings, testimony, and deliberations, the final Commission report made a number of significant recommendations: it shortened the Constitution by nearly 10,000 words; added significant changes in at least 34 different sections; and

omitted "minor changes, consolidations or deletions of obsolete material in 78 other sections...."[6]

II. THE EXECUTIVE ARTICLE

As in so many of the American states, Minnesota's Executive Branch, was constitutionally explicity diffused in structure, restricted in power, and precluded by intent from giving either thrust or direction to gubernatorial leadership. By political design the governorship was to be kept inherently weak and legislatively dependent.

To effectuate these purposes, the terms of governors were to be short, their appointments few, their staff resources small, and constitutional perogatives vis a vis the legislature were minimal. Minnesota's Constitution provided for the separate election of such executive officers as the Attorney General, Secretary of State, State Auditor, State Treasurer, and Lieutenant Governor. These constitutional officers, despite considerable variation in the importance of their functions could, if they so wished, effectively confront the chief executive in matters of policy or judgment, especially if they were elected by the opposition party or by factions hostile to the governor's program.

With respect to strengthening the executive branch of state government, the Commission suggested that

> ....the positions of Secretary of State, State Treasurer and State Auditor be removed from the Constitution;
>
> ....a provision be included to have an Auditor elected by the legislature;
>
> ....the terms of Governor, Lieutenant Governor and Attorney General be uniform and extended to four years;
>
> ....the Governor be authorized to restrict the Legislature in special or extraordinary sessions to matters "specified in the call";

....the positions of Chief Justice be omitted from the Board of Pardons;

....the Governor be given a three-week period at the beginning of the Legislature session within which he prepares an executive budget. 7

Of all of these various recommendations so far only two have been approved by the voters. An amendment passed in 1958 providing four-year terms for state constitutional officers and an amendment adopted in 1972 allowed the Governor and Lieutenant Governor to be elected on the same ticket.

III. THE LEGISLATIVE ARTICLE

As legislative activity and demand for state services and regulation increased in the post-World War II era, Minnesota's Constitutional 90-day limit on sessions and the issue of legislative reapportionment became critical issues.

Minnesota was in no way unique in its failure to redraw legislative districts as populations increased in urban areas. Legislative reluctance to reapportion had in 1960, for example, reached such intensity throughout the country that there were approximately 30 state senates and 25 state assemblies in which a third or so of the population could elect a majority of the membership.[8]

Minnesota's Constituiton provided in Article IV, Sec. 23 that following each enumeration of the Federal census "the Legislature shall have the power to prescribe bounds of congressional senatorial and representative districts" and in Article IV, Sec. 2 that the number in both houses "shall be apportioned equally throughout the different sections of the state, in proportion to the population....". Despite these redistricting requirements and although the population of Minnesota had increased by over one-third since 1913, the Legislature simply refused to carry out these mandates. Nearly half a century of legislative inaction in the face of significant

shifts of population offers persuasive testimony that the constitutional language was in reality not sufficiently compelling to assure compliance.

Language suggested by the 1948 MCC attempted to correct this legislative proclivity to inaction. What emerged was a somewhat complicated three-stage mechanism which would be triggered by legislative failure to reapportion following a decennial federal census:

> ....A ten-member bipartisan commission appointed by the Governor would be empowered to draw a new set of legislative and senatorial districts.
>
> ....Should this commission not be able to agree on a valid reapportionment plan, the members of the Senate and House were to be elected on "at-large" basis (in the Senate 5 from each congressional district and in the House one per county)...."until such time as reapportionment is....completed...."
>
> ....The State Supreme Court was to have original jurisdiction on prevalidating reapportionment upon appeal "filed by any qualified voter....". [9]

When reapportionment was finally implemented on May 18, 1965, and 5 ½ Senate seats and 11 House seats from out-state were moved into the suburbs, it was the Federal judiciary and vetoes by Governors Freeman and Rolvaag that had to become the crucial points of leverage. The intensity of this states' urban-rural conflicts had once again worked to paralyze legislative consensus on reapportionment.

With respect to the strengthening of the Legislative Branch--aside from reapportionment--the Commission recommended that:

> ....the restrictive 90-day limit on regular sessions be modified;
>
> ....the Legislature be designated a "continuous body" and that by concurrent resolution of the two houses, the Legislature could, within the first 75 days of a session, vote to exceed the 90-day limit;
>
> ....the Legislature be empowered to call itself into session "by law or by joint rules of the House and Senate....and that "no resolution or rule relating to the conduct of business or adjournment ....shall require the approval of the Governor";

....."the Legislature be permitted to dispense with roll calls whenever it chooses by unanimous consent to do so and that the requirement to read each bill three times 'and at length at least twice' be abolished";

....Legislators no longer be prevented from accepting any other state office within one year after expiration of their terms if this particular office in question was one "created or the emoluments of which ....(were)....increased during the session of the legislature of which he was a member". [10]

A constitutional change to extend the length of legislative sessions from 90 to 120 days finally passed in 1962 with 55.8% majority of the voters casting ballots at that election.[11] This amendment, however, did not silence the debate as to the wisdom and efficacy of the so-called annual session approach. With more frequent sessions, more numerous committee meetings, and the resulting heavier demands on time and effort and expense placed upon the individual legislator, serious questions have been raised both within the legislature and without, whether the concept and tradition of the so-called part-time or "citizens" legislature is not in jeopardy.

Withdrawals from House and Senate candidacies by a number of highly competent and conscientious incumbents whose personal, business or professional career interests became incompatible in their view with a full-time professional legislature, further fuels the debate.

IV. THE JUDICIARY

When the 1948 MCC Explored in depth the operation of realities of the various types and levels of Minnesota's courts, they discovered quickly that as in most other states, judicial terms were too brief, internal administrative supervision was lacking, judicial rule-making authority needed to be increased and that the recruitment of judges--their method of selection--was in need of reforms if greater

professionalism and higher quality judicial services were to be obtained.

Commission recommendations focused on these and other concerns and in a general way attempted to chart a structure that would lead to an integrated and administratively unified state judicial system.

With respect to strenthening the judiciary, the 1948 MCC suggested among others:

> ....The establishment of an Administrative Council chaired by the Chief Justice with representation from the public, a member of the legal profession and one person from a different type of court composing the state's judiciary to "formulate policies for the efficient administration of the court system...." without at the same time interfer(ing) with the exercise of the judicial functions of a judge....".
>
> ....The Commission advocated the so-called "Missouri Plan" under which a partisan judicial commission would nominate three persons as candidates for judicial appointment by the Governor whenever a Supreme Court vacancy occurred.
>
> ....A compulsory retirement age of 70 for the judges and an involuntary retirement plan when a judge was found "so incapacitated as substantially to prevent him from performing his judicial duties"--this action to be taken upon the recommendation of a special three person commission of inquiry appointed by the Governor.
>
> ....Provisions for an integrated and administratively unified state court system where the judicial powers of the state would be "vested in a supreme court, a district court, a probate court". [12]

Constitutional amendments embodying many of these recommendations passed in 1954, 1956 and 1972. While the 1954 change restricted itself to merely allowing the Legislature to establish qualifications of probate judges and to define their jurisdiction, provisions added in the remaining two amendments were of course of major importance.

As a result therefore of the 1956 and 1972 amendments a much more integrated Minnesota State court system could finally begin to take shape--very much in the direction advocated by the 1948 Commission.

> ....Probate Court Judges and Justices of the Peace having been stricken from the Constitution, the judicial power now was to be vested in major tiers--a State Supreme Court and a District Court, "and as such other courts the legislature may establish".[13]
>
> ....All judges were to have a six-year term.[14]
>
> ....Such officers as the State Supreme Court Clerk and the State Law Librarian were to be appointed by the Court.[15]
>
> ....The elected term of District Court Clerks was to be lengthened from 4 to 6 years.[16]

V. TOWARDS CLARIFYING THE ROLE OF LOCAL GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

Constitutional restrictions on the exercise of powers by local governments proved cumbersome in an era of rapid population increases in the metropolitan area of the state and sharp decreases in many rural sections. Too often this led to the exercises of legislative interventions and involvements in decision-making more appropriately left to local levels.

Formal prohibition against special legislation--long a major objective of governmental reform--had lead to the legislature's clothing of such activities in terms of general law that met constitutional requirements; all too frequently, however, this tended to conceal rather than reveal the impending actions from proper public scrutiny at local levels.

Although Minnesota's Constitution provided for the adoption of home-rule charters by local governments or units, technical requirements for charter adoptions or changes were so complex and cumbersome that very few of the state's over 800 cities and villages exercised their available options effectively.

With respect to the local government provision in the Constitution, the 1948 MCC advocated these major changes:

> ....Removal from the State Constitution of all administrative details dealing with matters regarding the submission, filing and publication of charters including provisions governing membership and majority required for adoption--these determinations were to be left to legislative discretion.
>
> ....Legislative enactment of special laws affecting local governmental units would be permissable if two conditions were met--
>
> (a) the Legislature would "name the local government to which it applied" and
>
> (b) the voters of the locality concerned would concur by majority vote in such special laws. [17]

Provisions added to the Constitution in 1958 included an amendment authorizing the legislature "to provide by law for the creation, organization administration, consolidation, division and dissolution "of local government units. [18] It also empowered the legislature to determine by law the composition, election, or appointment of charter commissions and many of the electoral processes involved in the initiation and ratification of charters. In connection with enabling the legislature to pass "special laws relating to local governmental units: the amendment went beyond 1948 MCC recommendations by allowing local approval for such special laws to be registered not merely by voter concurrence, but as a second alternative, by the community's "governing body" as well. [19]

VI. TOWARDS GREATER FLEXIBILITY IN MATTERS OF STATE TAXATION AND FINANCE

Born out of deep public distrust of possible legislative proclivity to permit the credit of the state to be employed for questionable fiscal ventures, Art. IX, Sec. 5 of the Minnesota Constitution provided that "the public debt shall never in the aggregate exceed $250,000". This rigid and

unrealistic ceiling growing out of a different era had been added in 1928, but proved itself increasingly unworkable and fiscally unsound (on June 30, 1948, the state had an outstanding indebtedness of $20,710,640 payable from property taxes!).

A similar rigidity "graced" the Highway Article of the Constitution that had been added in 1920--the so-called Babcock Amendment. Responding to the insistance of local communities that they be assured of their place in the developing state highway program, the amendment provided for a system of 70 major roads, with starting points, terminals, villages and cities enroute named, delineated and constitutionally protected.

Recommendations of the 1948 MCC spoke to both of these restrictions and urged significant revisions:

> ....providing for new language eliminating entirely the actual detailing and enumerating of the 70 basic trunk highways;
>
> ....bringing together all constitutional provisions addressing highway and highway finances and taxation; [20]
>
> ....suggesting the extension of state supervision and control over all highway maintenance and construction involving state funds;
>
> ....consolidating the state road and bridge fund, the trunk highway sinking fund, and the trunk highway fund into one fund into which all gasoline and motor vehicle taxes were to be deposited; [21]
>
> ....striking the $250,000 state debt limitation and replacing it with legislative authority to pledge the credit of the state for "extraordinary expenditures....by an affirmative vote of two-thirds of its members....". [22]

Whether due to intensive pressures from rapidly changing economic and social conditions or whether due more to extraneous political factors, constitutional changes embodying these sets of Commission recommendations fared relatively well both in the legislature and at the polls.

A new highway amendment ratified in 1956 struck from the Constitution detailed routings of the 70 state trunk highways and significantly strengthened the authority of the legislature over the entire system--its maintenance, operation, extension and financing. It also established three dedicated funds but included an apportionment formula setting ratios between state, county and municipal governments for allocating tax proceeds received from highway users.[23]

Another amendment passed in 1962 allowed the state to pledge its public credit

> ....for temporary borrowing, and to incur indebtedness payable within 20 years for the betterment of public lands and buildings and other improvements of a capital nature when authorized by a three-fifths vote of each branch of the legislature".[24]

Heavy capital requirements of this state's growing taconite production posed unique constitutional problems if Minnesota wished to offer a more hospitable tax climate to this increasingly important industry. Prolongued and often heated political controversy in and out of legislative halls involved highly charged issues of public policy. What were the economically "legitimate" profit levels for the iron ore companies; how much of a return on investment was essential for them to remain effectively competitive and attractive to capital? What were the defensible interests of future generations of Minnesotans with respect to this rapidly diminishing public resource?

To build a political coalition that would properly balance the concerns of the iron ore companies with the employment needs of Northern Minnesota and with more general considerations of economic and political justice required consumate skill and many compromises. An amendment finally added in 1964[25] reflected these successful efforts. Its central provision guaranteed taconite mining a 25-year period of tax stability and

equality (when compared with other industries) as incentives to expand their investments and operations in Minnesota. Many economists view this amendment, and the tax approach which it incorporated, as a significant contributing factor to the new prosperity spreading throughout Minnesota's iron range communities.

VII. EASING THE AMENDMENT PROCESS

It may be recalled that a long series of instances where amendments failed to obtain the necessary majority at the polls--a voter-rejection rate of 67.5% for example between 1898 and 1946--[26] contributed very directly to the establishment of the 1948 MCC. Beyond helping to create the vehicle of change, the membership of the Commission was itself keenly aware that the degree to which their own efforts at re-shaping the Constitution were to see general implementation, clearly depended on a method of ratification that could prove more conducive to obtaining popular approval than the present one.

Minnesota's constitutional requirement that an amendment to be successful needed approval by a majority voting at an election, was clearly shown to have made ratification quite difficult Purposely designed to slow down constitutional change, this provision continued to prevent adding revisions to the point where important leadership elements in the state were prepared to entertain a more responsive process. This readiness for major constitutional revisions was however, not very widely shared throughout the electorate. At the 1948 general election voters had turned down these related amendments:

> ....to authorize submission of two or more amendments without requiring voters to vote separately on each.
>
> ....to authorize two-thirds of the legislature to call for a constitutional convention without submitting the question to the voters. [27]

In the light of such electoral and political realities and after considerable deliberation, the Commission opted for these various compromise approaches:

> ....Amendments would be more difficult to submit--replacing a legislative majority vote with a newly added two-thirds vote requirement;
>
> ....ratification of an amendment would become easier by insisting that a majority of voters voting on the question be required instead of a majority of all votes cast in the election (this pattern prevails in 42 states). [28]

With respect to the possibility of change by constitutional convention, the Commission recommended:

> ....the question of a constitutional convention would be submitted to the electorate not later than 1960 and every twenty years thereafter;
>
> ....should a majority of those voting on the question express approval, the legislature then would be required to call such a convention;
>
> ....once the submission of a new draft to the public has taken place an election must be held on the proposed constitution or proposed amendment--this to occur not later than 60 days nor more than 6 months following adjournment;
>
> ....for approval of proposals a majority of those voting on the question would be sufficient. [29]

VII. THE MINNESOTA CONSTITUTIONAL STUDY COMMISSION OF 1972--A SECOND MAJOR EFFORT AT CONSTITUTION REVIEW

Viewing the recommendations of the Minnesota Constitutional Commission of 1948 in terms of their implementations through 1972, there can be little doubt that despite setbacks at the polls and legislative inaction, the amending process proved relatively successful. Minnesota's Constitution emerged as a greatly improved framework of government.

Still, much remained to be accomplished by way of constitutional reform if this state was to be served by a government that could respond

more flexibly, more effectively, and more responsibly, to the wishes of its people in a period of accelerated economic and social change. Revising state constitutions became a nation-wide activity. In 1970 for example, at least two dozen states had constitutional study commissions that addressed problems of constitutional revision or reform. (see Table A)

Governor Wendell R. Anderson urged the establishment of such a study commission in a special message, March 3, 1971. He stressed that constitutional reform was essential if state government was to "reassert its assigned role in the Federal system if that system is to function properly in meeting the demands of the 1970's and beyond".[30] More specifically the Governor outlined areas where constitutional changes were clearly indicated:

> ....Elimination from the constitution of constraints affecting the taxation of particular industries and the review of the concept of dedicated funds in order to allow the state to develop a more balanced overall fiscal policy.
>
> ....The development of an environmental Bill of Rights which would "help protect and preserve the wealth of natural resources possessed by our State".[31]

To carry out these pressing objectives within a reasonable period of time, Governor Anderson urged the convening of a constitutional convention and the establishment of a constitutional study commission "to research and recommend proposals for legislative and citizen examination".

The statutes establishing the 1972 Minnesota Constitutional Study Commission called for a mixed citizen-legislative panel; membership was to include representation from the House (six chosen by the speaker), from the Senate (six chosen by the Committee on Committees), from the Executive Branch (eight interested citizens appointed by the Governor, including the Chairman) and from the Supreme Court (one as chosen by the Chief Justice).[32]

With an appropriation of $25,000 to carry out its duties, the Commission was charged by the Legislature....

> "to study the Minnesota Constitution, other revised state constitutions and studies and documents relating to constitutional revision, and propose such constitutional revisions a revised format for a new Minnesota Constitution as may appear necessary, in preparation for a constitutional convention if called or as a basis for making further amendments to the present constitution". [33]

The Commission was to report to the Governor and the Legislature and to the Chief Justice by November 15, 1972, "such procedures as it may deem necessary and proper to effectuate its recommendations".[34]

Under the highly effective and experienced leadership of its Chairman, former Governor Elmer L. Andersen, the Commission[35] worked through eleven sub-committees assisted by a small, but competent staff, held various public hearings, studied the experiences of other states, and finally drafted its proposal for submission in line with the charge given to it by the Legislature. Quite central to its early deliberations was the question whether the nature of Minnesota's basic law was so fundamentally flawed or unworkable as to justify the drastic remedy of urging the convening of a constitutional convention.

There were those who contended that the piecemeal or incremental approach to change while impressive [reaching an adoption rate of 78% of the 14 amendments submitted during the decade of the 1960's--and an overall score of 65.1% between 1948 and 1974 (see Table 30A)]--still left Minnesota behind other states both in scope and in volume of constitutional revisions.

Pent up demand for constitutional revision was not unique to Minnesota. Even a most cursory search of the relevant professional literature will reveal something of the pace and intensity of constitutional change

during the post-World War era:[36]

CONSTITUTIONAL CONVENTIONS CONVENED UNLIMITED AND LIMITED

Alaska (1956)	Connecticut (1965)	Florida (1968)
Illinois (1970)	Maryland (1967)	Michigan (1963)
Montana (1972)	New Jersey (1947)	North Carolina (1970)
Pennsylvania (1968)	Virginia (1970)	

Even more impressive than the attempts at formal and comprehensive constitutional change, was the volume of and scope of piecemeal amendments--in many instances these were revision efforts that proved less cumbersome and more efficacious than the more macrocosmic route of the constitutional convention.

Analysis of just a two-year span (1966 and 1968) will indicate something of the extent and nature of new constitutional language added by various states. In that biennial period 448 piecemeal amendments were added to state constitutions. Among the major subjects included were the following:

Alabama--Constitutional officers were authorized to succeed themselves.

Arizona--Executive officers were given 4-year terms and legislative salaries were increased.

Colorado--Executive departments were to be limited to a maximum of twenty and provision was made for a joint ballot for governor and lieutenant governor.

Idaho --Allowed annual sessions, gubernatorial appointments for court vacancies and procedures for the removal of judges.

Kansas --Adopted annual 60-day legislative session.

Louisiana--Governor was allowed to succeed himself (prior provision permitted only one term).

Mississippi--Permitted consolidation of courts.

Montana--Provided for continuity of state and local government in emergencies.

Nebraska--Authorized an income tax.

Nevada--Permitted county consolidation and authorized increases in judicial pay.

New Mexico--Abolished justices of the peace and established magistrate courts

North Carolina--Authorized legislative pay raises.

North Dakota--Authorized municipal home rule

Tennessee--Reduced residence requirements for voting in presidential elections and authorized consolidation of local government functions.

Utah--Approved annual legislative sessions and increased compensation for legislators.

Washington--Authorized increase in state salaries during term of office (excepting the legislature).

West Virginia--Provided for an executive budget.[37]

In view of this national activity, the Minnesota amendment process as such was viewed by some as too slow, too narrow, and too unsystematic to permit the kinds of fundamental and interrelated changes in a constitution that had been written for a different century and differing governmental and social concerns.

On the other hand, the arguments of the "partisans" of change by constitutional convention who called for a more carefully prepared and orderly approach with wide public involvement could be countered effectively by reference to the experience of other states that had selected that method. In only four states out of ten where conventions had submitted their recommendations for ratification since 1966 did the voters in fact accept "new or substantially new constitutions":[38]

Constitutions Approved	Constitutions Rejected
Hawaii	Arkansas
Illinois	Maryland
Montana	New Mexico
Pennsylvania	New York
	North Dakota
	Rhode Island

Weighing "advantages" and "disadvantages" of the"incremental" versus the "fundamental" road to constitutional change, the 1972 MCSC recommended a so-called middle way--a "phased, comprehensive revision"[39] --consisting of a series of separate, but coordinated amendments planned for submission over several elections. Voters would still have to approve each amendment separately; but the commission would make its recommendation with respect to several such proposals having studied and viewed them as parts of a more comprehensive set of changes which, taken in their entirety, could significantly improve major sections and articles of the state's constitution.

The 1972 MCSC found itself able to build upon and extend the recommendations first advanced by its predecessor, the 1948 MCC (See Appendix 2). With annual and extendible legislative sessions now constitutionally authorized, the 1972 MCSC again recommended language that would enable the legislature to call itself into special session "upon the petition of two-thirds of the members of each House."[40] Additional recommendations included authority for "either House of the Legislature to initiate revenue measures"[41] and, significantly, the removal from the Legislature the authority (now lodged in Art. IV, Sec. 23) to draw legislative districts; this duty was to be imposed upon a newly created reapportionment districting commission.[42]

VIII. SOME ADDITIONAL KEY RECOMMENDATIONS OF THE 1972 MCSC

High on the list of issues for the 1972 MCSC was the question of legislative reapportionment. Seeking to avoid the experience of stalemate associated with the reapportionment battles of 1960 and 1970, the Commission addressed a number of key apportionment concerns; the matter of legislative involvement in the reapportionment process provoked itself considerable debate among Commission members.

Interstate comparison of reapportionment procedures failed to produce any "uniform" or conclusive models that might have helped to resolve this issue. Ten states which assigned reapportionment responsibilities directly to their legislatures but provided for alternative procedures should these bodies be unwilling or unable to perform these duties included: California, Connecticut, Illinois, Maine, Maryland, North Dakota, Oklahoma, Oregon, South Dakota and Texas.[43]

On the other hand, nine states....Alaska, Arkansas, Hawaii, Michigan, Missouri, Montana, New Jersey, Ohio and Pennsylvania insisted on placing even the initial steps of reapportionment in non-legislative agencies.[44]

Nicholas Coleman, Senate majority leader, in testimony before the 1972 MSCS, suggested that the task of reapportionment be taken out of legislative hands altogether and "imposed upon a body consisting of the

> .... Governor, Attorney General, Secretary of State, President pro tempore of the Senate (or other person selected by the majority), a member of the Senate minority selected by the minority, Speaker of the House, a minority member of the House selected by the minority, one person selected by the State Chairman of the Deocratic Farmer Labor party and one person selected by the State Chairman of the Republican party".[45]

Excluding legislative involvement in reapportionment decisions as a matter of principle was shared also by Senator Robert J. Brown, an influential Republican Senate leader, one-time state chairman of the partyand a member of the 1972 MCSC. "A legislative solution", he contended, "is usually:

> (a) a partisan gerrymander if one faction controls state government; or
>
> (b) ....a sweetheart bill to protect incumbents or a stalemate if governmental control is divided....(moreover).... it is too costly, too time consuming and does not lead to the best possible apportionment...."[46]

As its major contribution, the 1972 MCSC recommended the creation of a redistricting Commission--

> ...."to be composed of 13 members--the speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, or representatives and senators appointed by these legislative leaders to take their place; two members appointed by the Governor; two members appointed by the State Executive Committee of each political party, other than that to which the Governor belongs, whose candidate for governor received 20% or more of the votes at the most recent gubernatorial election; and the remaining members unanimously elected by the commission members so appointed." [47]

To approve a legislative or congressional redistricting plan, the concurrence of eight members of the districting commission should be required.

The recommendation further urged that the State Supreme Court should be given "exclusive original jurisdiction to review the District Commission's final published plan at the behest of any qualified voter". [48] The court would be empowered to modify any districting plan so that it complied with the constitutional requirements and direct the Districting Commission to adopt the modified plan.

Should the Commission fail "to agree upon a districting plan, the task of districting should be imposed upon the State Supreme Court". Among other recommendations in this connection, the State Supreme Court would be empowered to select a panel of state court judges (other than Supreme Court justices) to assist in the districting task "if no plan is submitted by any Commission member". [49]

In addition to the redistricting Commission, the MCSC proposed for inclusion in the Constitution a set of criteria for the establishment of election districts:

> ....there were to be no multi-member districts;
>
> ....each district was to be composed of compact and contiguous territory and be as nearly equal in population as practical;

> ....no representative district was to be divided in the formation of a Senate District;
>
> ....unless absolutely necessary to meet the other standards set forth, no county, city, town, township, or wards should be divided in forming a district. [50]

Recognizing reapportionment as a sensitive political issue, the 1972 MCSC clearly sought to align its recommendations with those offered in other states in pursuit of the goal of minimizing legislative obstructions and premature judicial interventions, while upholding the spirit of the federally mandated "one man, one vote" principle.

In other recommendations affecting the legislative article, the 1972 MCSC left to statutory determination the issues of legislative size and party designation for legislators. The question of the advisability of a unicameral legislature was reserved for further study.

The 1972 MCSC moved beyond the suggestions made by the 1948 MCC in a number of areas affecting the Judicial Article of the Minnesota Constitution. Some of the key suggestions were:

> ....that the Chief justice should be designated "executive head of the judicial system" in the Constitution, and should appoint an administrative director of courts;
>
> ....the Supreme Court "should have the constitutional authority to adopt rules of judicial conduct".
>
> ....the Legislature should have the capability to establish a state Court of Appeals, at its discretion. [51]

The 1972 MCSC did not, however, accept the suggestion of its Judicial Branch Committee, (and the 1948 MCC) for the constitutional establishment of a merit plan--the so-called "Missouri Plan"--for the selection of judges via a nominating commission. The reason for staying with the present method of judicial selection, (by law elective, but frequently appointive

in fact, due to frequent vacancies), a majority of the Commission,

> ...."was unwilling to dilute the Governor's power and responsibility for the appointment of judges .... Minnesota governors have shown themselves sensitive to public insistance that the quality of judicial appointments be maintained at a high level.... was reluctant to accord power to a nominating commision, the makeup of which was not specified and which might be prone to make political nominations as the governor". 52

Some of the remaining recommendations for constitutional change were as follows:

> ....reduction of state residency requirements from six months to thirty days (Minnesota six-month residence requirment was already declared unconstitutional by the United States Supreme Court); 53
>
> ....provisions in Art. XI., Sec. 3 & 4 (referring to home rule and charter commissions), "should be simplified and consolidated and should eliminate reference 'freeholders' and to district court judges as the potential appointing body of charter commission members"; 54
>
> ....Art. XVI, the highway article, should be revised so that the legislature "may provide by law for the issue and sale of bonds of the State in such amount as may be necessary to carry out the provisions of this article: (this in effect would end the constitutional principle of dedicating funds for a specific purpose and thus limit legislative discretion for a possibly more flexible overall transportation policy); 55
>
> ....a new article was to be provided...."establishing the provision and maintenance of a healthful environment as public policy and mandating the Legislature to provide for the implementation and enforcement of this public policy" (but a majority of the Commission refused to give constitutional authority to "each person....(to)....enforce this right....through.... legal proceedings....") 56
>
> ...."The Legislature should be constitutionally mandated to provide by statute for succession in the event of removal, death, resignation, or inability of the Governor, Lt. Governor, Governor-Elect and Lt. Governor-Elect"; 57
>
> ...."provision for the delegation of the powers of pardon to a constitutional pardon board appointed by the Governor and subject to confirmation by the Senate....". This would remove the Governor, Attorney General, and Chief Justice from the Pardon Board. 58

IX. THE 1972 MCSC PRIORITY AGENDA

In line with its objective of recommending to the Legislature a "phased, comprehensive revision of the Minnesota Constition", the 1972 MCSC prepared a set of "priority recommendations"--amendments that were to focus on those areas of constitutional revision that in the judgment of the Commission called for early attention by the Legislature and if passed there, for immediate submission to the electorate. Within this first phase the Commission suggested the establishment of another citizen-legislator study commission "to consider the many constitutional provisions not thoroughly reviewed by the present Commission and to recommend second and subsequent phases of revision".[59]

In order to make it easier to revise the Constitution in the years ahead and to implement recommendations of this new commission, the 1972 MCSC agreed on a fundamental, high priority article that it hoped would merit legislative and voter approval at the earliest possible time. This so-called Gateway Amendment contained four central provisions:

> ...."an amendment could be approved either by a majority of all electors or by 55 percent of those voting on the proposal, whichever is less";
>
> ....citizens could "initiate amendments on matters of legislative structure";
>
> ...."the legislature, by a two-third vote of both houses, "would be "able to submit amendments at a special election";
>
> ....the calling of a constitutional convention was to be facilitated "by lowering from two-thirds to one-half the legislative majority needed to submit the question to the people, by allowing submission of the question at a special election if two-thirds of each house agreed, and by requiring the call to be approved either by a majority of all electors or by 55% of those voting on the proposal, whichever is less".[60]

The third priority recommendation to the 1973 legislature referred to the establishment of a by-partisan reapportionment districting commission described earlier ; and the fourth priority recommendation dealt with questions of finance. It asked for an amendment whereby the legislature could "levy and compute state income taxes as a percentage of the federal income tax, a procedure commonly known as the 'piggy-back income tax' ",[61] another amendment would once again seek the removal from the Constitution the provision establishing a 5% gross earnings tax on railroads (in lieu of other taxes as specified in Art. IV., Sec. 32A) thus "subjecting them to the same tax form and rate as other Minnesota industries".[62]

A final priority item was the Commission's response to the special legislative request that it submit a re-drafted or revised format of the Minnesota Constitution that was readable, compact and devoid of obsolete material.[63]

This basically unchanged, but re-written and restructured constitutional document and the railroad tax amendment were to be the only two recommendations approved by the voters at the November 5 general election.

While the Commission's recommendations were certainly quantitatively impressive, their substantive nature was remarkably moderate in approach--as it turned out--wisely so. However, even modest efforts at constitutional engineering can run into this state's political thickets and disappear from sight. This was well illustrated once again when an insufficient number of voters failed to ratify at the 1972 election the proposal that future amendments could be approved with a 55% majority of the voters voting on the question. Minnesota thus remains one of only four states throughout the country retaining this major obstacle to constitutional revision.

X. CONSTITUTIONAL CHANGES--ACCOMPLISHMENTS AND THE UNFINISHED AGENDA

Since 1948, Minnesota's Constitution underwent considerable change--with "all deliberate speed." The document is shorter by about 5,000 words, its syntax improved, its articles have been rearranged and reduced in numbers from 21 to 14, the content more logically arranged, and inapplicable provisions removed.

In a more substantive vein, the legislature has been procedurally freed from certain burdensome procedural controls over its decision-making perogatives, the state's power to tax and borrow has been made somewhat more flexible; the judicial branch has been administratively strengthened; and homerule aspirations of local governmental units are constitutionally clarified and confirmed.

Even this degree of progress entailed considerable effort by reform-minded individuals and interest groups to overcome entrenched political opposition to any form of constitutional "tinkering".

Midwestern populism has had its own traditions of viewing politics and politicians with more than an occasional expression of cynical disbelief. Lengthening legislative sessions, empowering legislators and governors with broader policy discretion, professionalizing the judiciary, lifting clearly expressed constitutional limitations on borrowing and taxing--these were rarely the favorite causes of the sons and daughters of grangers and "silverites" of anti-monopolists and agrarian dissenters.

It comes as no surprise, therefore, when rural and small town voter response to amendments embodying basic structural changes, while by no means uniformly negative, nevertheless registers consistant reluctance to embrace this sort of constitutional engineering. Even during the 1960's when amendments received the highest approval rate of this century, the rural-urban division became quite apparent when vote comparisons are shown between "the most and least supportive counties" (see Table 2).

MOST SUPPORTIVE AND LEAST SUPPORTIVE VOTER RESPONSE BY COUNTY TO NINE CONSTITUTIONAL AMENDMENTS, 1960-1974

MOST SUPPORTIVE COUNTIES

County	Number of Amendments County[1] ranked in ten most supportive	Amendment Numbers: #172	#176	#179	#184	#185	#186	#187	#189	#190
Anoka	7 of 9 amendments	R-43.16%	A60.82%	A-79.23%	A-54.43%	A-63.61%	A-68.39%	A-67.23%	A-72.96%	A-52.28%
Goodhue	6 of 9 amendments	R-41.10%	A-64.42%	A-74.75%	A-55.88%	A-67.32%	A-66.37%	A-70.16%	A-73.07%	R-41.57%
Washington	5 of 9 amendments	R-40.60%	A-54.59%	A-74.68%	A-53.22%	A-64.19%	A-66.13%	A-67.28%	A-71.12%	A-55.33%
Cook	5 of 9 Amendments	R-44.37%	A-66.52%	A-76.70%	A-50.56%	A-65.11%	A-66.07%	A-67.47%	A-71.30%	A-51.60%
Lyon	5 of 9 amendments	R-46.49%	A-61.21%	A-71.44%	R-49.48%	A-62.17%	A-57.45%	A-63.27%	A-71.08%	A-57.36%

LEAST SUPPORTIVE COUNTIES

County	No. of Amendments County ranked in ten least supportive	Amendment Numbers: #172	#176	#179	#184	#185	#186	#187	#189	#190
Redwood	6 of 9 amendments	R-43.72%	A-52.41%	A-71.13%	R-45.35%	R-37.63%	R-32.80%	R-42.40%	A*-51.49%	R-42.01%
Benton	5 of 9 amendments	R-34.21%	A-61.20%	A-60.81%	R-43.11%	R-45.31%	R-47.80%	A-51.76%	R-44.33%	R-35.17%
Stearns	4 of 9 amendments	R-32.53%	A-58.49%	A-60.01%	R-47.73%	A-51.90%	A-53.45%	A-56.57%	R-43.15%	R-33.78%
Brown	4 of 9 amendments	R-43.72%	R-44.64%	A-69.24%	A-50.80%	R-33.23%	R-41.28%	R-49.92%	A-55.62%	R-40.47%
Ramsey	4 of 9 amendments	R-32.98%	R-48.14%	A-57.96%	R-46.85%	A-55.34%	A-58.39%	A-58.63%	A-54.88%	R-42.78%

STATE RESULTS

State	R-38.09%	A-57.46%	A-68.71%	A-50.44%	A-54.58%	A-57.10%	A-60.02%	A-62.88%	R-49.28%

NOTES

1. Indicates the number of times the county stated was one of the ten most supportive counties, or as below, least supportive counties, in the state.
2. "A" indicates county voted for adoption of the amendment, "R" indicates a vote for rejection of the amendment.
3. Underlines indicate that the county vote was one of the ten most supportive (as in section one) or least supportive, as in section two.
4. The amenments cited here are: #172: reapportionment, 1960; #176: state debt, 1962; #179: removing obsolete constitutional language, 1964; #184: reduction of voting age to 19, 1970; #185: Flexible sessions, 1972; #186: reorganization of the judiciary, 1972; #187: Lt. Governor on ticket, 1972; #189: reforming Constitutional Structure, 1974; #190: Change of majority to 55% of ose voting on Constitutional amendments.

COUNTY CHARACTERISTICS OF THE MOST AND LEAST SUPPORTIVE COUNTIES, NINE AMENDMENTS:

County	Av. Family Income[1]	Employment Characteristics:[2]			Educational Characteristics:[3]		
		Prof.-Managerial	Clerical-Crafts	Service-Labor	Some H.S.	H.S. Grads	Some College
Anoka	$12,338	21.8%	35.8%	15.4%	62.1%	44.5%	20.6%
Goodhue	$9,615	19.3%	24.8%	28.6%	46.2%	33.9%	18.7%
Washington	$12,687	22.2%	35.0%	17.6%	57.0%	41.1%	23.2%
Cook	$9,362	29.4%	25.5%	29.4%	54.6%	41.0%	17.0%
Lyon	$8,988	21.2%	24.3%	31.9%	44.5%	31.9%	17.6%
Redwood	$8,285	21.3%	18.3%	39.1%	42.9%	31.4%	16.0%
Benton	$9,246	18.0%	24.8%	28.9%	44.8%	33.2%	17.2%
Stearns	$9,214	19.9%	28.1%	28.5%	39.9%	29.7%	18.6%
Brown	$9,230	18.0%	24.3%	31.9%	40.7%	30.6%	14.4%
Ramsey	$12,677	26.8%	37.1%	17.1%	51.5%	36.3%	26.3%

NOTES

1. "Average Family Income": Family units with no distinction as to the gender of the family head.
2. "Employment Characteristics" the subdivisions are as follows: "Prof.-Managerial" includes professional, technical, managerial, and administrative occupations; "Clerical-Crafts" includes cericals, craftsmen, foreman, and kindred occupations; "Service-Labor" includes non-household service workers and non-farm labor. Includes all workers 16 or over.
3. "Educational Characteristics"; of all county residents 25+ years old. "Some H.S." includes all those with either partial or complete high schol educations.

Whatever general resistance to constitutional change in outstate Minnesota whether due to history, social outlook or geography--the threat of mandated reapportionment and the consequential loss of political power may even have exacerbated the areas of traditional constitutional conservatism.

In this connection, the voting pattern of Ramsey County calls for further explanations. The persistent failure of this urban electorate to vote on amendments--the heavy "drop-off" phenomenon was very likely due to that county's use of voting machines in its elections. Placement provided constitutional amendment on such machines makes it quite difficult for voters to locate or reach them, unless they are strongly motivated to do so. This peculiarly negative impact of voting machines on the passage of amendments was actually documented in a Citizens' League study published in 1966 which noted that voters

> ....consistently cast fewer votes on special issues and elections such as constitutional amendments in elections when they use voting machines than when they use paper ballots. For example, in 1964, more than 99% of the persons who went to the polls in Hopkins, with paper ballots, voted on the Taconite Amendment. But next door in Edina, which has voting machines, only 77% of the persons voted on the Taconite Amendment". [66]

Sufficient interest in this matter led the 1976 session of the Minnesota Legislature to enact a special law (Chapter 224). In the future constitutional amendments and other ballot questions to be voted upon

> ...."a mechanical voting machine....shall occupy an area no smaller than 3 inches by 4 inches in the space provided for their purpose and shall be arranged in a manner which construction of the machine requires. A prominent notice of the question, constitutional amendment or other proposition shall follow the last office title, or if there is inadequate space, in the next available column or row. The notice shall contain at least one arrow pointing toward the question, constitutional amendment, or other proposition and shall contain language in the same type, size as used for office titles, directing the voter to the location on the machine where it is to be found." [67]

To gauge the intensity of opposition to constitutional reforms by concentrating on what happened electorally to the amendments actually submitted would ignore the often more important events that occur in the legislative arena. Sound political strategy of those wishing to block such changes, requires coordinated efforts at the committee stage of proposals where measures could be side-tracked, amended to death, or killed outright in relative quiescence. For many a constitutional amendment, or proposal to convene a constitutional convention, the Senate Judiciary Committee with its pronounced conservative leadership could be relied upon to perform such obstructionist functions with considerable effectiveness--if not relish.

Considering these genuine obstacles--legislative and electoral--what did get through by way of meaningful revision in the course of the past 30 years was not unimpressive either in consequence or in substance.

Still lacking, among other possible or necessary revisions, as noted earlier, is constitutional language that could provide a greatly strengthened governorship (by eliminating the constitutionally designated executive officers) a reapportionment mechanism that could come into operation (other than judicially ordered) when the legislature fails to carry out its redistricting mandate, and an eased amendment process predicated upon a simple democratic majoritarianism in its ratification formula.

All the more remarkable then is the fact that Minnesota despite its constitutional restrictions has had strong governors--Olson, Stassen, Freeman, and Anderson, to mention a few--that gubernatorial initiative could and did contribute to coherent and programmatic politics, and that significantly sound, yet innovative law, placed this state among the best governed in the nation.

Effective legislative leadership, dynamic political parties and

Appendix A

PROPOSED AMENDMENTS TO THE MINNESOTA CONSTITUTION
(1946-1974)

No. of Amendment	Election Year	Provision to be amended	Purpose of Amendment	Status	Yes Vote	No Vote	Total Vote	%Yes
	1946	No amendments submitted to the electorate in 1946						
149	1948	Art. IX s.5	To provide for a 50-50 apportionment of excise tax on petroleum products.	R	534,538	539,224	1,257,804	42.45%
150	1948	Art. XIV s.1	To authorize submission of two or more amendments without requiring voters to vote separately on each.	R	319,667	621,523	"	25.41%
151	1948	Art. XIV s.2	To authorize two-thirds of the legislature to call for a constitutional convention without submitting the question to the voters.	R	294,842	641,013	"	23.44%
152	1948	Add new art.	To authorize the state to pay a veterans' bonus	A	664,703	420,518	"	52.84%
153	1950	Art. IX s.1	To authorize diversion of 1% of the proceeds of the occupation mining tax to the veterans' compensation fund.	A	594,092	290,870	1,067,967	55.62%
154	1950	Art.IV s.32b be repealed and Art. VIII s. 2	To authorize forestry management funds by diverting certain proceeds (25%) from the public land trust fund.	R	367,013	465,239	"	34.37%
155	1950	Art. IX s.5	To provide for a 50%-44%-6% apportionment of the excise tax on petroleum products proceeds.	R	420,530	456,346	"	39.37%

No. Amendment	Election Year	Provision to be amended	Purpose of Amendment	Status	Yes Vote	No Vote	Total Vote	%Yes
156	1952	Art.VII s.6	To authorize a change in the investment and loan requirements governing permanent school and university funds.	R	604,384	500,490	1,460,326	41.38%
157	1952	Art. XIV new s. 3	To provide for a 60% popular majority on the question before a new state constitution can be considered legally ratified by the electorate.	R	656,618	424,492	"	44.96%
158	1952	Art.VII s.1	To clarify the meaning of who shall be entitled to vote.	R	716,670	371,508	"	49.07%
159	1952	Art. VI s.7	To permit the legislature to extend probate court jurisdiction by two-thirds vote.	R	646,608	443,005	"	44.27%
160	1952	Art.XVI s.3	To provide for a 65%-10%-25% apportionment of the excise tax on motor vehicle proceeds.	R	580,316	704,336	"	39.73%
161	1954	Art.VI s.7	To permit the legislature to define qualifications and to extend jursidiction of probate judges by a two-thirds vote.	A	610,138	308,838	1,168,101	52.23%
162	1954	Art. X s.3	To empower the legislature to limit the liability of stockholders of state banks.	A	624,611	290,039	"	53.47%
163	1954	Art. XIV new s.3, Art. IX s.4 not to apply.	To provide for a 60% popular vote before a new state constitution can be held ratified and to remove constitutional bar precluding members of the legislature from serving in a constitutional convention.	A	638,818	266,434	"	54.69%

No. of Amendment	Election Year	Provision to be amended	Purpose of Amendment	Status	Yes Vote	No Vote	Total Vote	%Yes
164	1954	Art. V s.4	To permit gubernatorial appointments in case of vacancy in certain offices to run until end of term of Jan. 1 and so eliminate need for election to short terms. (Nov. to Jan.)	A	636,237	282,212	1,168,101	54.46%
165	1956	Art. V, s.4	To permit the legislature to recognize the judicial power of the state.	A	939,957	307,178	1,443,856	65.10%
166	1956	New Art. XVI in place of Arts. XVI and IX s.16	To consolidate present trunk highway articles and sections, to increase state aid and supervision of public highways, to permit tax of motor vehicles and fuel, and to apportion monies for highway purposes on the basis of a 62%-29%-9% to state and local government highways.	A	1,060,063	230,707	" "	73.41%
167	1956	Art.IX s.1A	To authorize the legislature to divert 50% of the occupation mining tax proceeds earmarked for education from permanent trust funds to current needs.	A	1,084,627	209,311	" "	75.12%
168	1958	Art.XI and Art. IV s.33, and repealing Art.IV, s.36	To authorize the legislature to revise and consolidate provisions relating to local government, home rule, and special laws.	A	712,552	309,848	1,178,173	60.47%
169	1958	Art. V s.3,5	To provide four year terms for state officials, effective beginning in 1963.	A	641,887	382,505	" "	54.48%
170	1958	Art. IV, s.9	To permit legislators to hold certain elective and non-elective state offices.	R	576,300	430,112	" "	48.91%

		affected						
171	1960	Art. IV Sec. 1,9	To extend length of sessions and set qualifications for legislators and other elected officers.	R	763,434	501,429	1,577,509	48.39%
172	1960	Repeal Art. IV sec. 23 &24; Am. Article IV sec. 2	To reapportion State House and Senate.	R	600,797	661,009	""	38.08%
173	1960	Art. V Sec. 6	To provide for succession to the governorship and for emergency government.	A	974,486	305,245	""	61.77%
174	1960	Art. VII sec. 1	To change the time of residence in a precinct in order to qualify to vote in that precinct.	A	993,186	302,217	""	62.95%
175	1962	Article VII sec. 2,5,6	To consolidate the swampland fund and the permanent school fund to make a perpetual fund for payments to local school districts.	A	828,880	288,490	1,267,502	65.39%
176	1962	Repeal Art. IX sec. 14; amm. sec 2,5,6	To allow the state to incur indebtedness for temporary borrowing for land acquisition and capital improvements.	A	728,255	385,723	""	57.45%
177	1962	Art. IV sec. 1	To extend the length of legislative sessions from 90 to 120 days.	A	706,761	393,538	""	55.76%
178	1964	Add Article XXI	To forbid repeal of Chapter 81 or the Laws of 1963 on taxation of taconite plants for a period of 25 years.	A	1,272,590	204,133	1,586,173	80.23%

# of Amend.	Elec. Year	Prov. of Cons affected	Purpose of the Amendment	Status	Yes Vote	No Vote	Total	Yes %
179	1964	Art. IV sec. 2,7, 23, 32, repeal 26; Art. V sec. 4 Art. VII sec. 9 Art. VII sec. 8	To remove obsolete language from the Constitution	A	1,089,798	254,216	1,586,173	68.70%
180	1966	Art. IV sec. 9	To allow legislators to run for other offices and to provide a manner in which they may resign.	R	575,967	471,427	1,312,288	43.89%
181	1968	Art. IV sec. 9,17	To allow legislators to run for other offices and to provide a manner in which they may resign.	A	1,012,235	359,088	1,601,515	63.20%
182	1968	Art. IV sec.11	To allow the legislature three days after adjournment to present bills to the governor and to allow the governor 14 days in which to sign or veto bills passed during the last three days of a session.	A	1,044,418	316,916	""	65.21%
183	1970	Art. IX sec.1	To allow the legisture to define or limit tax exempt property.	A	969,974	287,858	1,388,525	69.85%
184	1970	Art. VII sec.1,7	To reduce the voting age to 19 years, and the right to hold office to 21 years.	A	700,449	582,890	""	50.44%
185	1972	Art. IV Sec. 1	Flexible sessions.	A	968,088	603,385	1,773,838	54.80%
186	1972	Art. VI	To provide for reorganization of the state judicial system.	A	1,012,916	531,831	1,773,838	57.00%
187	1972	Art. IV sec.5	To allow the Lt. Governor to be elected on the same ticket as the Governor.	A	1,064,580	503,342	""	60.00%

No. of Amendment	Election Year	Provision to be amended	Purpose of Amendment	Status	Yes Vote	No Vote	Total Vote	%Yes
188	1972	Art. XX s.1	Authorization of the Viet Nam veterans' bonus.	A	1,131,921	477,473	1,773,838	63.0%
189	1974	All provision	Reforming the structure, style, and form of the Constitution.	A	815,604	311,781	1,296,209	72.3%
190	1974	Art. XIV s.1	To allow future Constitutional amendments to be approved with a 55% majority of the voters voting on the amendment.	R	638,775	474,519	"	49.2%
191	1974	Art. IV s.32	To permit the legislature to establish the rate and method of railroad taxation.	A	741,353	372,158	"	66.7%

Appendix G

ACTION TAKEN ON MAJOR RECOMMENDATIONS OF THE 1948 CONSTITUTIONAL COMMISSION

Recomendation of the 1948 Commission	Constitutional Action Taken	Recomendation of the 1972 Commission
I. The Legislature (Article IV)		
1. Allow extended and annual sessions.	1962 Amendment extended sessions 1972 Amendment flexible sessions	
2. Allow legislature to call special sessions.	No action	Recommended by 1972 Commission
3. Allow legislators to resign and run for other offices	1968 Amendment	
4. Provide back-up reapportionment comm.	No action	Recommended by 1972 Commission
II. The Executive (Article V)		
1. Eliminate Constitutional-elective secretary of state, auditor, treasurer.	No action	Recommended by 1972 Commission for secretary of state and treasurer
2. Extend terms of executive officers to four years.	1958 Amendment	
3. Require Governor to submit budget message three weeks after taking office.	Present practice	
4. Provide for constitutionally established civil service.	No Action	
5. Remove Chief Justice from pardon board.	No Action	Recommended by 1972 Commission
6. Clarify succession to governorship	1960 Amendment	Further clarification recommended
7. Allow legislature to set Lt. Governor's salary.	1972 Amendment	
8. Empower Governor to limit matters considered by special legislative sessions.	Present practice	

Recommendation of the 1948 Commission	Constitutional Action Taken	Recommendation of the 1972 Commission
III. The Judiciary (Article VI)		
1. Make Supreme Court Clerk appointive by the court.	1956 Amendment	
2. Set terms of all judges at six years.	1956 Amendment	
3. Delete justice of the peace.	1956 Amendment	
4. Statutory, not constitutional, provisions on district court.	1956 Amendment	
5. Extend district court clerk term to six years.	1956 Amendment	
6. Make state law librarian appointive by the court.	1956 Amendment	
7. Clarify retirement and removeal provisions.	1972 Amendment	
8. Create Administrative Council.	No Constitutional action. Statute provisions.	Amendment recommended by 1972 Commission
9. Create Merit Plan for the selection of Supreme Court justicies.	No Action	Not recommended by 1972 Commission
10. Allow temporary assignment of district judges to the Supreme Court.	1956 Amendment 1972 Amendment	
IV. Local Government (Article XI)		
1. Allow certain special legislation.	1958 Amendment	
2. Ease restriction on home rule	1958 Amendment	Simplification recommended by 1972 Commission
3. Ease restrictions on charter comms.	1958 Amendment	Changes recommended by 1972 Commission

Recommendation of the 1948 Commission	Constitutional Action Taken	Recommendation of the 1972 Commission
V. Highways (Article XVI)		
1. Consolidate language on finances.	1956 Amendment	
2. Delete specific reference to highway routes.	1956 Amendment	
VI. Taxation and Finance (Article IX unless otherwise indicated)		
1. Eliminate debt limitation.	1962 Amendment	
2. Restrict changes in taconite taxes.	1964 Amendment	
3. Eliminate language on banking laws.	1954 Amendment (partial)	
4. Delete reference to railroad gross earnings and referendum.	No action	Recommended by 1972 Commission
5. Consolidate and simplify trust funds. (Art. IV §32b; Art. VIII)	1956 Amendment 1962 Amendment (partial)	Further consolidation recommended by 1972 Commission
6. Allow legislature to deal with tax exempt property.	1970 Amendment	
7. Create legislative post-auditor.	No Action taken	
VII. Constitutional Revision (Article XIV)		
1. Require two-thirds of legislature to propose amendments.	No Action	Retention of simple majority recommended by 1972 Commission
2. Require majority voting on question to ratify amendments	No Action. 1974 Amendment for 5% majority voting on question failed to be ratified.	Recommends either present majority of all electors or 55% of electors voting on questi
3. Allow submission of amendment or a new constitution at special election.	No Action	Recommended by 1972 Commission

Recommendation of the 1948 Commission	Constitutional Action Taken	Recommendation of the 1972 Commission
4. Require periodicic submission of question of calling constitutional convention.	No Action	Not recommended by 1972 Commission
5. Provide that the question of calling a convention require only a majority vote of the legislature.	No Action	Recommended by 1972 Commission
6. Require that a new constitution be ratified by the voters.	1954 Amendment	
7. Allow submission of ammendments on "one general subject."	No action	Not Recommended by 1972 Commission because of liberal judicial interpretation.

APPENDIX C

CONSTITUTIONAL STUDY COMMISSIONS OPERATIVE BETWEEN 1968 AND 1972[1]

State	Number of Members	Appropriation	Duration	Action
Alabama	25: 2 ex officio, 23 appointed, representing all congressional districts	$100,000 (70-71)	1969-	Interim 1971 report recommended changes in five areas. Final report due May 1973, to propose total revision
Arkansas	30: 10 appointed by gov., 5 by ch. justice, 5 by spkr. of hs., 5 by pres. of sen., 5 by bar assn.	$100,000	1967-68	Recommended constitutional convention (unsuccessful). Proposed new document
California	74: 14 ex officio legislators; 60 appointed by Jt. Comm. on Legislative Organization	Open-ended (at least $2,883,315)	1963-71	Proposed series of amendments almost completely revising constitution over several elections
Delaware	15: 5 appointed by gov., 5 by pres. of sen., 5 by spkr. of hs., representing all counties, Wilmington and both parties	$25,000 plus foundation aid	1967-69	Submitted new constitution
Georgia	28: 7 ex officio, 5 legislators, 16 appointed by governor	$75,000	6 mos. in 1969; much done by 1965-69 comm.	Submitted new constitution
Idaho	15: 5 appointed by leg. council, 5 by gov., 5 by chief justice	$47,000	1965-69	Submitted new constitution, revised by legislature and rejected by voters in 1970
Illinois	26: 10 appointed by gov., 8 by spkr. of hs., 8 by pres. of sen. (equal party representation)	$75,000	1967-69	Recommended constitutional convention (successfully held) and permanent commission
Indiana	34: 16 appointed by lt. gov., 16 by spkr. of hs., 1 by gov., 1 by sup. court (equal party representation)	Open-ended	1967-71	Recommended series of amendments and permanent commission
Kansas	12: 3 appointed by gov., 3 by pres. of sen., 3 by spkr. of hs., 3 by ch. justice	$31,840	9 mos. in 1968-69	Recommended extensive change
Louisiana	48: 27 legislators, clerk of hs., sec. of sen., lt. gov., 18 appointed by specific organizations	$100,000	1970-72	Requested to report to each session till total revision completed. Reported 1971 and 1972
Minnesota	21: 6 appointed by each house, 1 by ch. justice, 8 by gov.	$25,000	1971-72	Recommended phased revision, 5 priority amendments for 1973, and another study commission
Montana	16: 4 appointed by each house, by gov., by ch. justice (equal party representation)	$50,000	1969-71	Recommended constitutional convention (successfully held)
Nebraska	12: 6 appointed by leg., 3 by gov., 3 by sup. ct., representing all congressional districts	$75,000	1969-70	Recommended series of amendments
New Mexico	11 appointed by gov., representing all judicial districts and both parties; 4 advisory legislators	$138,000	1963-69	Recommended constitutional convention (unsuccessful) and new document
North Carolina	25, appointed by bar assn. (15 lawyers, 10 non-lawyers)	$25,000 foundation grant	9 mo. in 1969	Recommended 10 extensive amendment changes, submitted as series by legislature
Ohio	32: all appointed, 12 from legislature	$100,000 first biennium, now $150,000 a year	1969-79	Requested to report each two years. Began reports in 1971
Oklahoma	21, all appointed: 11 legislators, 10 others representing all congressional districts	$25,000	6 mo. in 1969	Recommended extensive changes in major articles
South Carolina	12: lt. gov., spkr. of hs., 6 legislators, 4 appointed by gov.	about $40,000	1966-69	Recommended 17 articles to substitute for present constitution. 5 approved, 1970; 5 more, 1972
South Dakota	13: 11 appointed, 2 ex officio, representing both parties	$25,000 initially; $111,500 thru 1973	1969-75	Recommending series of articles

* APPENDIX B—CONSTITUTIONAL STUDY COMMISSIONS OPERATIVE BETWEEN 1968 AND 1972[1]—Continued

State	Number of Members	Appropriation	Duration	Action
Texas	25: 10 legislators, 10 appointed by gov., 5 by ch. justice	Open-ended	1967-68	Submitted revised document
Utah	16: 9 appointed to select 6 others, 1 ex officio	$20,000 first yr. $30,000 a yr. thereafter	1969-75	Recommending series of amendments; new legislative article adopted 1972
Vermont	11: ch. justice, atty. gen., 6 legislators, 3 appointed by gov.	$2,000	1968-71	Recommended limited constitutional convention, 1968; 15 proposals in 11 areas, 1971
Virginia	11 appointed by gov.	$75,000	9 mos. in 1968-69	Submitted revised document; approved 1970 as proposed
Washington	20: 2 ex officio, 18 appointed by gov.	Up to $25,000	1968-69	Recommended gateway amendment and phased revision; submitted 8 model articles

[1]Data from *Book of States* for 1970-71 (pp. 22-25) and 1972-73 (pp. 17-19); and Appendix B of *Modernizing State Constitutions, 1966-1972,* both published by the Council of State Governments.

* Taken from final report Minnesota Study Commission Page 41

18. Laws of Minnesota for 1957 Chapter 809 pp.1109-1111.

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20. Final Report of the 1948 Minnesota Constitutional Commission pp.67-69.

21. Ibid., p.57

22. Ibid., p.55

23. Laws of Minnesota for 1955 Chapter 882 pp.1553-1558

24. Laws of Minnesota for 1961 Extra Session Chapter 99 pp.1839-1842.

25. Laws of Minnesota for 1963 Chapter 99 pp. 156-157.

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27. Ibid.

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33. Ibid.

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40. Ibid. p.16

41. Ibid.

42. Ibid., p.17

43. Legislative Branch Committe Report to the Minnesota Constitutional Study Commission. St. Paul: State of Minnesota, November, 1972. pp. 8-11.

44. Ibid. pp.12-18

45. Ibid., p. 20

46. Ibid., p.36

47. Final Report of the 1972 Minnesota Constitutional Study Commission. p.17

48. Ibid., p.18

49. Ibid.

50. Ibid., p.17

51. Ibid., pp.23-24

52. Ibid., p.22

53. Ibid., p.24

54. Ibid., p.29

55 Ibid., p.33

56. Ibid., p.35. See also Natural Resources Committe Report to the Minnesota Constitutional Study Commission. St. Paul: State of Minnesota, November, 1972. p.ii

57. Final Report of the Minnesota Constitutional Study Commission p.21

58. Ibid.

59. Ibid., p.36

60. Ibid.

61. Ibid., p. 37

62. Ibid.

63. Final Report of the 1972 Minnesota Constitutional Study Commission pp.43-54

64. This table was derived from the election returns published by the Secretary of State's Office as the Minnesota Legislative Manual.

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67. Laws of Minnesota for 1976 Chapter 224 p.

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