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REMAINING
SUBSTANTIVE GENDER REFERENCES
in
MINNESOTA STATUTES 1986

Report of the Revisor of Statutes
to
The Legislative Commission on the Economic Status of Women
December 1, 1986

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GENESIS OF THE REPORT

In 1984 the Minnesota Legislature directed the Revisor of Statutes to prepare a revision of Minnesota Statutes with all nonsubstantive gender-specific terms removed (Laws 1984, chapter 480, section 21). The revision was prepared in 1985 and adopted by the Legislature in 1986 (Laws 1986, chapter 444). Minnesota Statutes 1986 reflects the Gender Revision of 1986.

While working on the revision, the Revisor's staff noted that there were a number of gender-specific provisions in the statutes that could not be changed. To change them would result in a substantive change in the law, which the Legislature did not permit in the revision.

The Revisor mentioned the existence of the substantive gender terms to State Senator Ember Reichgott, sponsor of the bill to adopt the revision. In April 1986 Senator Reichgott, who also was chair of the Legislative Commission on the Economic Status of Women at the time, asked the Revisor, on behalf of the Commission, to prepare this report to the Commission.

NOT COVERED IN THIS REPORT

Several hundred terms traditionally considered gender-specific remain in Minnesota Statutes 1986 but are not discussed in detail in this report. These terms fit into one or more of the categories listed below:

- (1) the terms describe maternity or paternity status;
- (2) the terms are familiar pairs of relations, one of each sex;
- (3) the terms are in interstate agreements or compacts;
- (4) the terms have been left in the statutes either because there is no generally accepted neutral substitute term or the terms have come to be generally considered gender-neutral;
- (5) the terms are included in historical references;
- (6) the terms are in session laws quoted in footnotes;
- (7) the terms are proper names;
- (8) the terms justifiably protect or promote one sex because of a unique condition or status;
- (9) the terms describe persons at sex-segregated correction

facilities;

(10) the terms relate to biological or cosmetic differences between the sexes;

(11) the terms refer to plants or animals; or

(12) the terms are in the names of private organizations.

(13) the terms are in forms set out in the statutes.

Laws that are gender-neutral on their face, but may affect one sex more than the other as applied, are beyond the scope of this report.

THE MINNESOTA CONSTITUTION

The Minnesota Constitution contains more than 60 terms of the kind removed in the Gender Revision of 1986. The terms cannot be made gender-neutral without an amendment to the Constitution approved by the people in an election, even though to do so would not change the meaning of the Constitution. A draft of a possible gender-neutral revision is in the Appendix.

HIGHLIGHTS

Minnesota has done much to eliminate unwarranted substantive gender distinctions from its laws. Most of what remains is either relatively insignificant or potentially quite controversial.

Some provisions are relatively recent additions to the statutes, enacted to deal with emerging issues such as married women's use of separate credit.

Other provisions relate to issues long since resolved such as the right of women to serve on juries.

The use of the word "matron" in a slighting way in six statutes dealing with sex segregated local correctional facilities may be vestigial. The actual practice in the local setting should be checked to see if the statutory terminology is still being used. If the practice differs from the statute and is otherwise acceptable, perhaps the statutes can be amended to reflect the practice.

Whether to include females in the state militia may be the most controversial issue presented by this report. Resolution of the issue may be foreclosed if the question is determined to be preempted by the federal government. Inclusion of females in

the state militia would probably have no effect unless there is a general mobilization because members of the state militia who are not in the national guard (which already includes females under federal law) have no responsibilities unless there is a general call-up. The Commission may wish to get the advice of the state's Judge Advocate, Major Jon Cieslak, of the Military Affairs Department, who is quite knowledgeable on the legal issues involved in this question.

Several gender-specific terms remain in the so-called Married Women's Act in chapter 519. Though these sections can quite easily be put in gender-neutral language, it may be advisable for the Commission to proceed with caution in changing them. The Commission may wish to consult expert practitioners in family, personal injury, and real estate law particularly to ensure that any proposed change does not have insidious effects inimical to the work of the Commission.

FORMAT

The statutory sections that contain gender-specific terms and that are the subject of this report are presented in numerical order. A headnote and brief description of the gender-specific use and the apparent rationale for the use follow. Next, some possible legislative action to make the provision gender-neutral is usually listed. In a few instances no action is suggested.

LEGISLATIVE ACTION

The proposed legislative action will usually involve either extending the mention, benefit, protection, or exemption in the law to the other sex, by amendment; or retracting the mention, benefit, protection, or exemption in the law from the sex currently getting it, by amendment or repeal.

Sometimes the commission may prefer not to propose a change in a law. For example, since husbands do not yet customarily use their wives' name, as in Mr. Jane Doe, it may be considered premature to extend the privilege to use a spouse's name as a candidate for election to husbands and widowers.

Sometimes two alternatives for legislative action are listed.

Possible legislative action may be listed even if it is likely the Commission may decide not to propose a change to a particular provision.

Though some gender-specific provisions of the statutes may

be considered obsolete, insignificant, or applicable to so few people as to be unimportant, it may be useful to propose to change the provision now that they have been identified, in the interests of housekeeping the statutes.

The listed legislative action is not the only possible action. The Commission may wish to modify the suggested language or propose something completely different.

BILL DRAFTS

If the Commission or any of its members wishes to have a bill or bills prepared with some or all of these provisions, or variations of them, the Revisor's office will be pleased to prepare them.

Respectfully Submitted,



Steven C. Cross

Revisor of Statutes

Richard J. Sands

Senior Assistant Revisor

700 State Office Building

435 Park Street

Saint Paul, Minnesota 55155

Phone 296-2868

SECTION BY SECTION REPORT

of the

SUBSTANTIVE GENDER-SPECIFIC TERMS

remaining in

MINNESOTA STATUTES 1986

Section 13.83, subdivision 2 - Public Data on the Dead.

The law states that the deceased's father's name and mother's maiden name are public data. The law appears to assume that the mother's name is the same as the father's and that only the mother's name was different at birth.

ACTION: Amend Section 13.83, subdivision 2, as follows:

Subd. 2. [PUBLIC DATA.] Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual is public: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the decedent's clothing; marital status; location of death including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; social security number; occupation; business; father's name (also birth name, if different); mother's ~~maiden~~ name (also birth name, if different); birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician; physician's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of

body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home name and address; and name of local register or funeral director.

Sections 61A.24, subdivision 9; and 61A.25, subdivision 3, paragraph (a) - Life Insurance; Certain Premiums and Present Values for Females.

These two provisions appear to permit insurance companies to temporarily calculate certain premiums and present values for females based on an age up to six years younger than actual. The reason seems to be to reflect a longer life expectancy for females than is reflected in the 1958 standard mortality tables until the 1980 mortality tables are fully operative.

ACTION: Probably none. The provisions become inoperative January 1, 1989, or sooner if individual companies so elect. After that, it may be preferable to keep the provisions in the statutes so that the historical trend of authority can be followed, rather than to amend the inoperative provisions out or repeal them. The pattern has been to leave the old provisions in.

Section 88.11, subdivision 1 - Males to Fight Forest Fires.

A forest officer may commandeer males of age 18 and up to fight forest fires.

ACTION: Amend as follows:

Subdivision 1. At any time forest officers, with the approval of the commissioner, may employ suitable persons to prevent and extinguish any fires. Each forest officer so employed shall be supplied with the necessary equipment. The commissioner, or any forest officer, may summon any male person of the age of 18 years and upward to assist in stopping any fire burning in the district under the care of such state employee and may incur any other necessary and reasonable expense for this purpose, but shall promptly report the matter to the next superior officer or other state employee over the forest officer.

Sections 176.011, subdivision 13; and 176.111, subdivisions 3 and 5 - Definition of "Husband" in Workers Compensation Statutes; Order of Payment of Benefits to Dependents of Deceased Worker.

The definition of "husband" to include "widower" appears to be no longer necessary now that "widow" in section 176.111 has

been replaced with "surviving spouse."

In section 176.111, subdivision 3, dependent women who survive a deceased worker are listed for payment before their male counterparts. Though a staff member of the Labor and Industry department was aware of no basis for this, further inquiry with the department may be appropriate.

ACTION: (1) Repeal section 176.011, subdivision 13, which provides:

Subd. 13. [HUSBAND.] "Husband" includes widower.

(2) If desired, amend Section 176.111, subdivision 3, as follows:

Subd. 3. [PERSONS WHOLLY SUPPORTED.] A wife spouse, child, husband, mother, father, grandmother, grandfather, parent, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, sibling, parent-in-law, wholly supported by a deceased worker at the time of death and for a reasonable time prior thereto are considered actual dependents of the deceased worker and compensation shall be paid to them in the order named.

(3) Amend Section 176.111, subdivision 15, as follows:

Subd. 15. [REMOTE DEPENDENTS.] If the deceased employee leaves no surviving spouse or child or husband or parent entitled to any payment under this chapter, but leaves a grandparent, grandchild, brother, sister, mother-in-law, or father-in-law wholly dependent on the employee for support, there shall be paid to such dependent, if but one, 30 percent of the weekly wage at the time of injury of the deceased, or if more than one, 35 percent of the weekly wage at the time of the injury of the deceased, divided among them share and share alike.

Section 176.11, subdivision 21 - Mother's Insurance Benefits under Social Security.

This subdivision provides for coordination of benefits between worker's compensation and federal government survivor programs for certain dependents. The last sentence of the subdivision is:

"For the purpose of this subdivision, mother's insurance benefits received pursuant to 42 U.S.C., 402 (g), are benefits under a government survivor program."

42 U.S.C., 402 (g), has been changed to "mother's or father's insurance benefits."

ACTION: Amend Section 176.111, subdivision 21, as follows:

Subd. 21. [DEATH, BENEFITS; COORDINATION WITH GOVERNMENTAL SURVIVOR BENEFITS.] The following provision shall apply to any dependent entitled to receive weekly compensation benefits under this section as the result of the death of an employee, and who is also receiving or entitled to receive benefits under any government survivor program:

The combined total of weekly government survivor benefits and workers' compensation death benefits provided under this section shall not exceed 100 percent of the weekly wage being earned by the deceased employee at the time of the injury causing death; provided, however, that no state workers' compensation death benefit shall be paid for any week in which the survivor benefits paid under the federal program, by themselves, exceed 100 percent of such weekly wage provided, however, the workers' compensation benefits payable to a dependent surviving spouse shall not be reduced on account of any governmental survivor benefits payable to decedent's children if the support of the children is not the responsibility of the dependent surviving spouse.

For the purposes of this subdivision "dependent" means dependent surviving spouse together with all dependent children and any other dependents. For the purposes of this subdivision, mother's or father's insurance benefits received pursuant to United States Code, title 42, section 402(g), are benefits under a government survivor program.

Section 190.06, subdivision 1 - Males Only in Militia.

State law, following federal law, includes only males in the militia. Federal law has recently added female officers of the national guard to the militia. 10 U.S.C. 311. Though not completely settled, federal law may preempt state law as to who is to be included in state militias. In December 1985 S.86, "The Sex Discrimination in the United States Code Reform Act of 1985" passed the United States Senate. It did not pass the United States House of Representatives. It would have included females in the militia.

If women are included in the militia and the militias are organized and called up, the effect would be mandatory military service for women. This would be in contradistinction to the Military Selective Service Act, which specifically exempts women from mandatory federal military service. 50 U.S.C. App. 453.

ACTION: (1) Determine, after consulting the state military affairs department, what effect an amendment to include females in the state militia would have, and if appropriate:

(2) Amend Section 190.06, subdivision 1, as follows:

Subdivision 1. [COMPOSITION.] The militia shall consist of all able-bodied ~~male~~ citizens of the state and all other able-bodied ~~males, resident therein,~~ residents who have or shall have declared their intention to become citizens of the United States, when so authorized by federal law, who shall be 18 or more years of age, and, except as otherwise provided, not more than 45 years of age; provided, that the governor may, when the governor deems it necessary for the defense of the state, extend the maximum age for militia service to not more than 64 years.

Section 204B.05 - Names of Women Candidates.

The provision dating from 1923 allows women to use their husband's names as candidates for election.

ACTION: If desired, amend Section 204B.05 as follows:

204B.05 [WOMEN CANDIDATES; NAMES.]

Any married ~~woman,~~ person or widow surviving spouse who has not remarried, may use the title "Mrs." or "Mr.," as applicable, and the name or initials of her ~~husband~~ the person's spouse, or deceased husband spouse, in stating her own as the candidate's name on an the person's affidavit of candidacy or on a nominating petition filed pursuant to this chapter. The name as written on the affidavit or petition shall be used in designating the candidate on the official ballot.

Section 218.021, subdivision 2 - Reduced Rates for Nuns on Trains.

Railroads are permitted to give sisters of charity, but not male mendicants, free or reduced rates on trains.

ACTION: Amend section 218.021, subdivision 2, as follows:

Subd. 2. Nothing herein shall prohibit carriage, storage or handling of property free or at reduced rates for the United States, the state, or any governmental subdivision thereof, ministers of religion, sisters-of-charity persons who have taken a vow of poverty as members of a religious order, missionaries, students of educational institutions or inmates of charitable institutions, or for charitable purposes, or for exhibition at fairs or at expositions, nor prohibit the interchange of freight transportation and message service between railroad, motor bus and telegraph companies.

Section 241.80, subdivision 2 - Medicine Men in Indian

Counseling Program.

The commissioner of corrections must develop a counseling policy for Indian inmates that includes:

"(5) the fostering of increased availability of medicine men...."

The law dates from 1985. Inmates at all correctional facilities are to be counseled. Since there are Indian women with the knowledge of Indian ceremonies and herbal preparations associated with medicine men in some tribes, the statute can call for counseling by medicine women if the tribe has medicine women. The commission may wish to confer further with Indian authorities on appropriate gender-neutral wording.

ACTION: If desired, amend Section 241.80, subdivision 2, as follows:

Subd. 2. [COUNSELING SERVICES.] The policy shall include, but need not be limited to, providing, within the limits of available money, spiritual and cultural counseling services having the following purposes:

(1) the teaching of good work habits and the development of motivation through work;

(2) the development of cultural pride to improve American Indian self-image;

(3) the development of an understanding of and an adjustment to the cultural differences between American Indians and other ethnic groups;

(4) the development of attitudes of mutual trust, respect, and understanding among American Indian family members;

(5) the fostering of increased availability of tribal medicine men and women, and American Indian spiritual leaders to teach American Indian inmates about American Indian history, cultural sensitivity, and religion;

(6) the involvement of American Indian inmates in those aspects of the correctional system that will aid in their rehabilitation; and

(7) the provision of services to American Indian inmates that will facilitate their reentry into the community.

Section 252.07 - Escorts for Retarded Females.

The provision, by implication, requires the person who

escorts a retarded person to a state hospital to be of the same sex as the patient and assumes that the sheriff, whose duty it is to see to the escorting, is a male.

ACTION: Amend Section 252.07 as follows:

252.07 [SHERIFF, EXPENSES.]

In any county where the sheriff receives a salary in full compensation for official services performed for the county, the sheriff shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but shall be reimbursed by the county wherein such person with mental retardation was committed for the necessary expenses incurred by the sheriff in taking charge of and transporting such person to a state hospital and the subsistence of the sheriff and such person while enroute.

In any county where the sheriff does not receive a salary the sheriff shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred in taking charge of and transporting such person to such state hospital and the subsistence of the sheriff and such person while enroute.

When the person with mental retardation is ~~a-female~~ of a sex different from the sheriff, the sheriff shall appoint some suitable woman person of that sex to act instead. ~~Such woman~~ The appointee shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred ~~by-her~~ in taking charge of and transporting such person to such state hospital and the subsistence ~~of herself-and-such-person~~ both while enroute.

Section 260.094 - Matrons in County Home Schools.

The section provides for the position of matron and may be read to slight females.

ACTION: Amend Section 260.094 as follows:

260.094 [COUNTY HOME SCHOOLS.]

In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a county home school for boys and girls, or a separate home school for boys and a separate home school for girls. The juvenile court may transfer legal custody of a delinquent child to the home school in the manner provided in section 260.185. The county home school may, with the approval of the district court judges in counties now or hereafter having a population of more than 200,000, or of the

juvenile court judges in all other counties, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution. However, the plans, location, equipment, and operation of the county home school shall in all cases have the approval of the said judges. There shall be a superintendent ~~or-matron, or~~ both, for each such school, who shall be appointed and removed by the said judges. The salaries of ~~the-superintendent, matron,~~ superintendents and other employees shall be fixed by the said judges, subject to the approval of the county board. The county board of each county to which this section applies is hereby authorized, empowered, and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this section. The board of education, commissioner of education, or other persons having charge of the public schools in any city of the first or second class in a county where a county home school is maintained pursuant to the provisions of this section may furnish all necessary instructors, school books, and school supplies for the boys and girls placed in any such home school.

Section 306.243, subdivision 3 - Boy Scouts as Gravediggers.

Counties may delegate the removal of bodies from an abandoned cemetery to charitable groups including, expressly, the Boy Scouts. Presumably the Girl Scouts are eligible though they are not named. An amendment could either add the Girl Scouts or delete the Boy Scouts:

ACTION: Either (1) or (2): (1) Amend Section 306.243, subdivision 3, as follows:

Subd. 3. [DELEGATION OF DUTIES.] The management and supervision of the maintenance and care of the abandoned cemeteries, and abandoned or neglected private cemeteries, or the removal of bodies as herein provided shall be delegated by the county board to the county highway department or to some existing cemetery association, veterans organization or, Boy or Girl Scouts of America Area Council, or other charitable institution which shall be responsible to the county board for its acts,

(2) Amend Section 306.243, subdivision 3, as follows:

Subd. 3. [DELEGATION OF DUTIES.] The management and supervision of the maintenance and care of the abandoned cemeteries, and abandoned or neglected private cemeteries, or the removal of bodies as herein provided shall be delegated by the county board to the county highway department or to some existing cemetery association, veterans organization, ~~or Boy Scouts of America Area Council,~~ or other charitable institution which shall be responsible to the county board for its acts.

Section 315.44, sections 315.48 and 315.49 - YMCA, YWCA.

Section 315.44 tells how to incorporate as a YMCA. Section 315.48 mentions only YMCAs. Section 315.49, says, as a statutory afterthought, that YWCAs may be formed the way YMCAs are.

ACTION: Repeal Section 315.49 and amend Sections 315.44 and 315.48 as follows:

315.44 [YOUNG MEN'S CHRISTIAN ASSOCIATION CERTIFICATE.]

Three or more persons may form a corporation known as a Young Men's Christian Association, or a Young Women's Christian Association by adopting, signing, and acknowledging a certificate of incorporation containing:

- (1) the names and places of residence of the incorporators;
- (2) the name of the corporation, the location of its principal place of business, and the period of its duration;
- (3) the objects of its organization expressly stated;
- (4) the number of its directors, not less than five, who shall manage its affairs, how and when elected, and the time and place of annual meetings; and
- (5) the terms of admission to active membership.

The certificate must be in duplicate, and one filed with the secretary of state and the other with the county recorder of the county of its principal place of business.

315.48 [REINCORPORATION.]

A religious society now conducting its affairs as a Young Men's Christian Association or a Young Women's Christian Association may reincorporate under sections 315.44 to 315.47. The new certificate of incorporation must be executed by all the directors of the association. Upon reincorporation the property of the society passes to and vests in the corporation so formed.

315.49 [YOUNG WOMEN'S CHRISTIAN ASSOCIATIONS.]

Sections 315.44 to 315.48 apply to Young Women's Christian Associations as well as to Young Men's Christian Associations.

Section 325G.041 - Married Women; Name on Credit Card.

The credit card issuer must allow a married woman, but no one else, to use either a current or former surname on the credit card. The issuer may require that a married woman, but apparently no one else, open a new account in that name.

ACTION: Amend Section 325G.041 as follows:

325G.041 [~~MARRIED-WOMAN~~, NAME ON CARD.]

If a financial transaction card issuer has determined in the normal course of business that it will issue a card to a married-woman person, the card shall be issued bearing either ~~her~~ the current or former surname of the person, as the woman person may direct.

Financial transaction card issuers may require that a married-woman person requesting a card in a former surname open a new account in that name. Refusal to issue a financial transaction card pursuant to this section constitutes an unfair discriminatory practice under section 363.03, subdivision 8.

**Section 353.01, subdivision 2b, paragraphs (k) and (l) -
P.E.R.A. Exclusion for Certain Matrons, and for Nuns.**

A few police matrons who were transferred from the St. Paul police department to a joint city and county detention and corrections authority are not public employees for purposes of P.E.R.A. Also, nuns, but not men who have taken a vow of poverty, are excluded from P.E.R.A. coverage.

It may be difficult to describe the narrow group intended to be referred to in paragraph (k) without using the term matron because that is the term historically used. A different term may unwittingly expand the number of those excluded from coverage. The reference in paragraph (l) to those who have taken a vow of poverty is more easily changed.

ACTION: (1) Determine if an alternative but accurate reference can be substituted for matron in paragraph (k); and

(2) if so, amend paragraph (k) accordingly.

(3) Amend paragraph (l) as indicated.

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$325 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees who receive monthly compensation not exceeding \$325, and part-time employees and elected officials whose annual compensation is stipulated in advance to be not more than \$3,900 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed \$325 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and ~~nuns~~ persons who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full time by a

governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$325 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) A person holding a part time adult supplementary vocational technical school license who renders part time teaching service in a vocational technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(t) A person exempt from licensure pursuant to section 125.031.

Section 387.14 - Matrons in Sheriff's Office.

The law directs the county board to budget for permanent and temporary employees in the sheriff's office. The list of temporary employees includes matrons. The list appears to be unnecessary.

ACTION: Amend Section 387.14 as follows:

387.14 [DEPUTIES.]

The county board shall determine the number of permanent full time deputies and other employees and fix the compensation for each position. The county board shall also budget for ~~special-deputies, jailers, matrons, bailiffs and other~~ temporary employees and shall fix their rates of compensation. The sheriff shall appoint in writing the deputies and other employees, for whose acts the sheriff shall be responsible and whom the sheriff may remove at pleasure. Before entering upon official duties, the oath and appointment of each shall be filed with the county recorder.

Sections 387.15 and 387.16 - Women as Jury Bailiffs.

Section 387.15 permits a judge to direct a sheriff to hire a female bailiff while a jury with females is in session. Section 387.16 states that the duties of a female bailiff are the same as those of other (male) jury bailiffs. The sections assume the sheriff is a male and incidentally that there never will be an all-women jury.

ACTION: Amend Sections 387.15 and 387.16 as follows:

387.15 [~~WOMEN-MAY-BE-APPOINTED-DEPUTY-SHERIFFS~~ TEMPORARY JURY BAILIFFS.]

If the sex of any juror is different from the sex of all available jury bailiffs, the presiding judge of any district court at any time before the return of a verdict by a petit jury ~~composed of both men and women,~~ serving upon a case pending therein, by order issued to the sheriff and entered upon the minutes of the court, may direct the sheriff to appoint a ~~female~~ person of the juror's sex who is a legal voter of the county as special deputy sheriff or bailiff to serve until the discharge of such jury from further service upon the pending case. The appointment shall forthwith be made and entered upon the minutes of the court and before entering upon the performance of ~~her~~ duties, the person so appointed shall take and subscribe the oath by law required of deputy sheriffs and file the same with the court administrator.

387.16 [CHARGE OF PETIT JURIES.]

Upon taking the oath by law required by officers in charge

of petit juries the person so appointed may be directed by the court to have charge of such jury conjointly with ~~the-mate~~ a deputy sheriff or bailiff of the other sex performing such duty. ~~Female~~ Special deputy sheriffs and bailiffs so appointed shall in all things perform the duties and be subject to the penalties by law prescribed for other officers having charge of petit juries.

Section 387.20, subdivision 6 - Salaries for Matrons.

This section lists matrons as a separate class of employee to be budgeted for by the county board. The list appears to be unnecessary.

ACTION: Amend Section 387.20, subdivision 6, as follows:

Subd. 6. The county board by resolution shall provide the budget for (1) the salaries of ~~deputies, jailers, matrons, bailiffs, clerks and other~~ employees in the office of the sheriff; (2) other expenses necessary in the performance of the duties of said office, including the reimbursement of the sheriff or a designee for necessary and reasonable expenses incurred in furnishing board, laundry and other services to prisoners in the county jail, provided that the county board may at its option provide for the furnishing of these services to the prisoners, (3) the payment of premiums of any bonds or license fees required of the sheriff or any deputy or other employee in said office and (4) mileage allowances prescribed by the board and the board is authorized to appropriate funds therefore and for the salary of the sheriff.

Section 393.01, subdivision 2 - Members of the County Welfare Board.

The law provides that of the seven members, two, "one of whom shall be a woman," shall be appointed by the commissioner of human services.

ACTION: Either (1) or (2): (1) Amend Section 393.01, subdivision 2, as follows:

Subd. 2. [SELECTION OF MEMBERS, TERMS, VACANCIES.] Except in counties which contain a city of the first class and counties having a poor and hospital commission, the county welfare board shall consist of seven members, including the board of county commissioners, to be selected as herein provided; two members, one of whom shall be a woman each sex, shall be appointed by the commissioner of human services, one each year for a full term of two years, from a list of residents, submitted by the board of county commissioners. As each term expires or a vacancy occurs

by reason of death or resignation a successor shall be appointed by the commissioner of human services for the full term of two years or the balance of any unexpired term from a list of one or more, not to exceed three residents submitted by the board of county commissioners. The board of county commissioners may, by resolution adopted by a majority of the board, determine that only three of their members shall be members of the county welfare board, in which event the county welfare board shall consist of five members instead of seven. When a vacancy occurs on the county welfare board by reason of the death, resignation, or expiration of the term of office of a member of the board of county commissioners, the unexpired term of such member shall be filled by appointment by the county commissioners. Except to fill a vacancy the term of office of each member of the county welfare board shall commence on the first Thursday after the first Monday in July, and continue until the expiration of the term for which such member was appointed or until a successor is appointed and qualifies. If the board of county commissioners shall refuse, fail, omit, or neglect to submit one or more nominees to the commissioner of human services for appointment to the county welfare board by the commissioner of human services, as herein provided, or to appoint the three members to the county welfare board, as herein provided, by the time when the terms of such members commence, or, in the event of vacancies, for a period of 30 days thereafter, the commissioner of human services is hereby empowered to and shall forthwith appoint residents of the county to the county welfare board. The commissioner of human services, on refusing to appoint a nominee from the list of nominees submitted by the board of county commissioners, shall notify the county board of such refusal. The county board shall thereupon nominate additional nominees. Before the commissioner of human services shall fill any vacancy hereunder resulting from the failure or refusal of the board of county commissioners of any county to act, as required herein, the commissioner of human services shall mail 15 days written notice to the board of county commissioners of its intention to fill such vacancy or vacancies unless the board of county commissioners shall act before the expiration of the 15-day period.

(2) Amend Section 393.01, subdivision 2, as follows:

Subd. 2. [SELECTION OF MEMBERS, TERMS, VACANCIES.] Except in counties which contain a city of the first class and counties having a poor and hospital commission, the county welfare board shall consist of seven members, including the board of county commissioners, to be selected as herein provided; two members, ~~one of whom shall be a woman~~, shall be appointed by the commissioner of human services, one each year for a full term of two years, from a list of residents, submitted by the board of county commissioners. As each term expires or a vacancy occurs by reason of death or resignation a successor shall be appointed by the commissioner of human services for the full term of two years or the balance of any unexpired term from a list of one or

more, not to exceed three residents submitted by the board of county commissioners. The board of county commissioners may, by resolution adopted by a majority of the board, determine that only three of their members shall be members of the county welfare board, in which event the county welfare board shall consist of five members instead of seven. When a vacancy occurs on the county welfare board by reason of the death, resignation, or expiration of the term of office of a member of the board of county commissioners, the unexpired term of such member shall be filled by appointment by the county commissioners. Except to fill a vacancy the term of office of each member of the county welfare board shall commence on the first Thursday after the first Monday in July, and continue until the expiration of the term for which such member was appointed or until a successor is appointed and qualifies. If the board of county commissioners shall refuse, fail, omit, or neglect to submit one or more nominees to the commissioner of human services for appointment to the county welfare board by the commissioner of human services, as herein provided, or to appoint the three members to the county welfare board, as herein provided, by the time when the terms of such members commence, or, in the event of vacancies, for a period of 30 days thereafter, the commissioner of human services is hereby empowered to and shall forthwith appoint residents of the county to the county welfare board. The commissioner of human services, on refusing to appoint a nominee from the list of nominees submitted by the board of county commissioners, shall notify the county board of such refusal. The county board shall thereupon nominate additional nominees. Before the commissioner of human services shall fill any vacancy hereunder resulting from the failure or refusal of the board of county commissioners of any county to act, as required herein, the commissioner of human services shall mail 15 days written notice to the board of county commissioners of its intention to fill such vacancy or vacancies unless the board of county commissioners shall act before the expiration of the 15-day period.

Section 459.16 - Public Toilets.

This section appears to assume either that it goes without saying that when public toilets are provided in cities they will be provided for men or that men do not need public toilets though women and children do need them.

ACTION: Amend section 459.16 as follows:

459.16 [FACILITIES FOR MEN, WOMEN, AND CHILDREN.]

There shall be provided and at all times maintained in connection with such rest room suitable toilet facilities for men, women, and children.

Section 462.39, subdivision 2 - Manpower Reference.

This section names regional development commissions as the agencies to get grants for, among other programs, "federal regional manpower planning programs." The listing is generic and not specific so a change to human resource planning programs should not cause undue confusion.

ACTION: Amend Section 462.39, subdivision 2, as follows:

Subd. 2. [FEDERAL PROGRAMS.] The commission is the authorized agency to receive state and federal grants for regional purposes from the following programs:

(1) Section 403 of the Public Works and Economic Development Act of 1965 (economic development districts);

(2) Section 701 of the Housing Act of 1954, as amended (multicounty comprehensive planning);

(3) Omnibus Crime Control Act of 1968;

and for the following to the extent feasible as determined by the governor:

(a) Economic Opportunity Act of 1964;

(b) Comprehensive Health Planning Act of 1965;

(c) Federal regional ~~manpower~~ human resources planning programs;

(d) Resource, conservation, and development districts; or

(e) Any state and federal programs providing funds for multicounty planning, coordination, and development purposes. The director shall, where consistent with state and federal statutes and regulations, review applications for all state and federal regional planning and development grants to a commission.

Sections 519.01 to 519.04 - Married Woman's Act.

These sections must be amended with caution. A change to neutral language may alter the legal relations of spouses in some significant ways.

ACTION: If desired, amend as follows:

519.01 [SEPARATE LEGAL EXISTENCE.]

Women Every person shall retain the same legal existence and legal personality after marriage as before, ~~and every.~~ A married woman ~~shall receive the same protection of all~~ her woman's rights as a woman which her husband does and a married man's rights as a man shall receive the same protection, including the right to appeal to the courts in his or her own name alone for protection or redress.

519.02 [PROPERTY RIGHTS.]

All property, real, personal, and mixed, and all choses in action, owned by any woman person at the time of her marriage, shall continue to be her the person's separate property, notwithstanding such marriage; and any married woman, ~~during~~ coverture person, while married, may receive, acquire, and enjoy property of every description, and the rents, issues, and profits thereof, and all avails of her the person's contracts and industry, free from the control of her husband a spouse, and from any liability on account of his the spouse's debts, as fully as if she were unmarried.

519.03 [RESPONSIBLE FOR TORTS AND BOUND BY CONTRACT.]

Every A married woman ~~is bound by her~~ person's contracts and are binding on that person. A married person is responsible for her torts committed by that person, and her. A married person's property shall be liable for her that person's debts and torts to the same extent as if unmarried. She A married person may make any contract which she that person could make if unmarried, and shall be bound thereby, except that every conveyance and contract for the sale of her that person's real estate or any interest therein, shall be subject to and governed by the provisions of section 507.02.

519.04 [PROPERTY ACQUIRED BY WIFE DURING SEPARATION; CONVEYANCES.]

All property, real and personal, acquired by any woman person in her own the person's name during any period of time in which she shall have been or may hereafter be while legally separated from her husband a spouse by a decree of any court of this state, shall be and remain her the person's separate property during the continuance of such separation and any such real property may be conveyed by her the person without her husband the spouse joining in the deed of conveyance and all such property may be conveyed, sold, and disposed of by her the person without her husband the spouse joining with her in the conveyance thereof, and any and all conveyances of such property heretofore made are hereby declared legal and valid and the same and all such are declared valid.

Section 540.05 - Married Women's Lawsuits.

There appears to be no material legal effect in expressly extending the words of this statute to men.

ACTION: Amend Section 540.05 as follows:

540.05 [MARRIED WOMAN PERSON MAY SUE OR BE SUED ALONE.]

In cases where the husband spouse, except for the marriage relation, would not be a necessary party, a married woman person may sue and be sued as if unmarried and without joining her husband the spouse. If a woman-marry person marries and at the same time takes a new name while a party to a pending action, she the person shall thereafter be designated by her-married the new name.

Section 548.06 - Libel Imputing Unchastity to a Woman.

This section states that a woman, but not a man, need not demand a retraction to get general damages in a libel action imputing unchastity.

ACTION: Amend Section 548.06 as follows:

548.06 [DAMAGES FOR LIBEL.]

In an action for damages for the publication of a libel in a newspaper, the plaintiff shall recover no more than special damages, unless a retraction be demanded and refused as hereinafter provided. The plaintiff shall serve upon the publisher at the principal place of publication, a notice, specifying the statements claimed to be libelous, and requesting that the same be withdrawn. If a retraction thereof be not published on the same page and in the same type and the statement headed in 18 point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service, the plaintiff may allege such notice, demand, and failure to retract in the complaint and recover both special and general damages, if the cause of action be maintained. If such retraction be so published, the plaintiff may still recover general damages, unless the defendant shall show that the libelous publication was made in good faith and under a mistake as to the facts. If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published on the same page and in the same type and the statement headed in 18-point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service and in a conspicuous place on the editorial page, nor if the libel was published within one week next before the election. This section shall not apply to any libel imputing unchastity ~~to a~~ woman.

Section 593.01, subdivision 1 - Jury of Six Men or Women.

It may no longer be necessary to expressly mention that women can be on a jury.

ACTION: Amend Section 593.01, subdivision 1, as follows:

Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of six ~~men-or-women, or both,~~ persons impaneled and sworn in any court to try and determine, by a true and unanimous verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court.

Section 593.02 - Sex Qualifications for Jurors Removed.

This law, enacted in 1921, might be considered unnecessary now.

ACTION: Repeal Section 593.02, which provides:

593.02 [NO SEX DISQUALIFICATION.]

The provisions of statutes relating to the qualifications of jurors in all cases, as well as those relating to exemption from jury duty, are hereby amended to include women as well as men, and any and all sex qualification is hereby removed.

Section 609.34 - Fornication.

This section prohibits sex between any man and a single woman.

ACTION: Amend Section 609.34 as follows:

609.34 [FORNICATION.]

When any single man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

Section 609.36 - Adultery.

This section prohibits sex between a married woman and any man, not her husband.

ACTION: Amend Section 609.36 as follows:

609.36 [ADULTERY.]

Subdivision 1. [ACTS CONSTITUTING.] When a married woman person has sexual intercourse with a-man another, of the opposite sex, other than her-husband the person's spouse, whether either, or both, being married or-not to others, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. [LIMITATIONS.] No prosecution shall be commenced under this section except on complaint of the husband-or-the wife spouse of either person, except when such-husband-or wife the spouse is insane, nor after one year from the commission of the offense.

Subd. 3. [DEFENSE.] It is a defense to violation of this section for a single defendant if the marital-status-of-the woman-was-not-known-to-the single defendant did not know at the time of the act of adultery that the other person was married at that time.

Section 631.412 - Female Escort for Female Prisoners.

This section assumes the sheriff or other person in charge is a man.

ACTION: Amend Section 631.412 as follows:

631.412 [~~REQUIRING-A-WOMAN-CUSTODIAL~~ SAME SEX ESCORT FOR WOMEN INMATES WHO-ARE BEING TRANSFERRED.]

When a sheriff or other correctional officer has custody of a woman person charged with or convicted of a crime and transfers that woman person more than 25 miles, that sheriff or other correctional officer shall provide the transferee with a woman custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion exists, a suitable woman person to carry out this section. The expenses of the woman's person's employment must be paid out of county funds not otherwise appropriated.

Section 641.06 - Matron for Female Prisoners.

This section assumes the sheriff is a male.

ACTION: Amend Section 641.06 as follows:

641.06 [APPOINTMENT OF EMPLOYEES; COMPENSATION.]

The sheriff of every a county maintaining a jail, if a male, shall appoint a competent woman as ~~jail-guard~~ women's jailer, who, under the sheriff's direction, shall have exclusive charge of all female prisoners. The sheriff, if a female, shall appoint a competent man as men's jailer, who, under the sheriff's direction, shall have exclusive charge of all male prisoners. ~~Jail-guards-and~~ Jailers shall hold office during the pleasure of the sheriff and may be removed at any time by the sheriff.

Section 641.07 - Male Prisoners Must Work.

This section requires that male, but not female, county workhouse prisoners must work.

ACTION: Amend Section 641.07 as follows:

641.07 [PRISONERS, LABOR.]

Every able bodied male prisoner over 16 years of age confined in any county jail or statutory city lockup under judgment of any court or other tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation, may be required to work for not more than ten hours per day. The court or tribunal, when passing judgment of imprisonment for nonpayment of fine or otherwise, shall determine and specify whether or not the imprisonment shall be at hard labor. The labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Upon request, persons awaiting trial may be allowed to perform labor. Each prisoner performing labor may be paid a reasonable compensation by the county if imprisoned in violation of state law or awaiting trial upon a charge thereof, and by the city if confined for the violation of any ordinance, bylaw, or police regulation. The compensation shall be paid to the spouse, family, or dependents of the prisoner, or any other person the court sentencing the prisoner directs. It shall be in an amount that the court determines. It shall be allowed by the board of county commissioners or the governing body of the city upon order of the court.

Section 641.14 - Separate Rooms for Female Prisoners.

This section requiring separation of the sexes could be stated in a more neutral way.

ACTION: Amend Section 641.14 as follows:

641.14 [JAILS, HOW KEPT.]

The sheriff of each county shall have charge of the jail, and be responsible for its condition. No Male prisoners and female prisoner prisoners shall be kept in the same room with a male-prisoner separate rooms. No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner. No person awaiting trial shall be kept in a room with a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. So far as construction of the jail will permit, and so far as consistent with prisoners' security, safety, health and welfare, strict separation of prisoners shall be maintained.

Section 642.08 - Matrons in City Lockups.

This section assumes the chief of police is a male.

ACTION: Amend Section 642.08 as follows:

642.08 [MATRON JAILER FOR OPPOSITE SEX; COMPENSATION, DUTIES.]

The chief executive officer of every city having a lockup shall appoint some competent woman person of good character and of the sex opposite that of the chief of police or marshal as matron a jailer, who shall have exclusive charge of all females persons of the jailer's sex committed thereto, and see that they are kept in a room separate from male prisoners of the other sex. She The jailer shall receive such compensation as the governing body shall determine, not less than \$5 for each day or fraction thereof during which a female prisoner of the jailer's sex is confined therein.

APPENDIX
GENDER-NEUTRAL DRAFT OF THE
CONSTITUTION OF THE STATE OF MINNESOTA

Preamble

We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution

ARTICLE I

BILL OF RIGHTS

Section 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.

Sec. 2. No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Sec. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Sec. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict.

Sec. 5. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously

ascertained by law. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the adverse witnesses against-him, to have compulsory process for obtaining favorable witnesses in-his favor and to have the assistance of defense counsel in-his defense.

Sec. 7. No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled to self-incrimination in any criminal case to-be-a witness-against-himself, nor be deprived of life, liberty or property without due process of law. All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended unless the public safety requires it in case of rebellion or invasion.

Sec. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which-he-may-receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.

Sec. 9. Treason against the state consists only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 10. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Sec. 11. No bill of attainder, ex post facto law, or any law impairing the obligation of contracts shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 12. No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real

property for any debt to any laborer or servant for labor or service performed.

Sec. 13. Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.

Sec. 14. The military shall be subordinate to the civil power and no standing army shall be maintained in this state in times of peace.

Sec. 15. All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited. Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void.

Sec. 16. The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every man person to worship God according to the dictates of his-own conscience shall never be infringed; nor shall any man person be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.

Sec. 17. No religious test or amount of property shall be required as a qualification for any office of public trust in the state. No religious test or amount of property shall be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his the person's opinion upon the subject of religion.

ARTICLE II

NAME AND BOUNDARIES

Section 1. This state shall be called the state of Minnesota and shall consist of and have jurisdiction over the territory embraced in the act of Congress entitled, "An act to authorize the people of the Territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on equal footing with the original states," and the propositions contained in that act are hereby accepted, ratified and confirmed, and remain irrevocable without the consent of the United States.

Sec. 2. The state of Minnesota has concurrent jurisdiction on the Mississippi and on all other rivers and waters forming a common boundary with any other state or states. Navigable waters leading into the same, shall be common highways and forever free to citizens of the United States without any tax, duty, impost or toll therefor.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Section 1. The powers of government shall be divided into three distinct departments: legislative, executive and judicial. No person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others except in the instances expressly provided in this constitution.

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 1. The legislature consists of the senate and house of representatives.

Sec. 2. The number of members who compose the senate and house of representatives shall be prescribed by law. The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

Sec. 3. At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series.

Sec. 4. Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment provided for in this article. The governor shall call elections to fill vacancies in either house of the legislature.

Sec. 5. No senator or representative shall hold any other office under the authority of the United States or the state of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his a resignation to the

governor.

Sec. 6. Senators and representatives shall be qualified voters of the state, and shall have resided one year in the state and six months immediately preceding the election in the district from which elected. Each house shall be the judge of the election returns and eligibility of its own members. The legislature shall prescribe by law the manner for taking evidence in cases of contested seats in either house.

Sec. 7. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member; but no member shall be expelled a second time for the same offense.

Sec. 8. Each member and officer of the legislature before entering upon his duties shall take an oath or affirmation to support the Constitution of the United States, the constitution of this state, and to discharge faithfully the duties of his office to the best of his taker's judgment and ability.

Sec. 9. The compensation of senators and representatives shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing house of representatives may have been elected.

Sec. 10. The members of each house in all cases except treason, felony and breach of the peace, shall be privileged from arrest during the session of their respective houses and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

Sec. 11. Two or more members of either house may dissent and protest against any act or resolution which they think injurious to the public or to any individual and have the reason of their dissent entered in the journal.

Sec. 12. The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days. The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. "Legislative day" shall be defined by law. A special session of the legislature may be called by the governor on extraordinary occasions.

Neither house during a session of the legislature shall adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be assembled without the consent of the other house.

Sec. 13. A majority of each house constitutes a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members in the manner and under the penalties it may provide.

Sec. 14. Each house shall be open to the public during its sessions except in cases which in its opinion require secrecy.

Sec. 15. Each house shall elect its presiding officer and other officers as may be provided by law. Both houses shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered in the journals.

Sec. 16. In all elections by the legislature members shall vote viva voce and their votes shall be entered in the journal.

Sec. 17. No law shall embrace more than one subject, which shall be expressed in its title.

Sec. 18. All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with the amendments as on other bills.

Sec. 19. Every bill shall be reported on three different days in each house, unless, in case of urgency, two-thirds of the house where the bill is pending deem it expedient to dispense with this rule.

Sec. 20. Every bill passed by both houses shall be enrolled and signed by the presiding officer of each house. Any presiding officer refusing to sign a bill passed by both houses shall thereafter be disqualified from any office of honor or profit in the state. Each house by rule shall provide the manner in which a bill shall be certified for presentation to the governor in case of such refusal.

Sec. 21. No bill shall be passed by either house upon the day prescribed for adjournment. This section shall not preclude the enrollment of a bill or its transmittal from one house to the other or to the executive for his signature.

Sec. 22. The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each house of the legislature, and the vote entered in the journal of each house.

Sec. 23. Every bill passed in conformity to the rules of each house and the joint rules of the two houses shall be presented to the governor. if-he-approves On approving a bill, he the governor shall sign it, deposit it in the office of the secretary of state and notify the house in which it originated of that fact. if-he-vetoes On vetoing a bill, he the governor

shall return it with his objections to the house in which it originated. His The objections shall be entered in the journal. If, after reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the governor's objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the secretary of state. In such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal of each house. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature by adjournment within that time prevents its return. Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the secretary of state within 14 days after the adjournment of the legislature. Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.

If a bill ~~presented-to-the-governor~~ contains several items of appropriation of money, he the governor may veto one or more of the items while approving the bill. At the time ~~he signs~~ of signing the bill the governor shall append to it a statement of the items he vetoes vetoed and the vetoed items shall not take effect. If the legislature is in session, he the governor shall transmit to the house in which the bill originated a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item is approved by two-thirds of the members elected to each house, it is a part of the law notwithstanding the objections of the governor.

Sec. 24. Each order, resolution or vote requiring the concurrence of the two houses except such as relate to the business or adjournment of the legislature shall be presented to the governor and is subject to his veto as prescribed in case of a bill.

Sec. 25. During a session each house may punish by imprisonment for not more than 24 hours any person not a member who is guilty of any disorderly or contemptuous behavior in its presence.

Sec. 26. Passage of a general banking law requires the vote of two-thirds of the members of each house of the legislature.

ARTICLE V

EXECUTIVE DEPARTMENT

Section 1. The executive department consists of a

governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general, who shall be chosen by the electors of the state. The governor and lieutenant governor shall be chosen jointly by a single vote applying to both offices in a manner prescribed by law.

Sec. 2. The term of office for the governor and lieutenant governor is four years and until a successor is chosen and qualified. Each shall have attained the age of 25 years and, shall have been a bona fide resident of the state for one year next preceding his election, and shall be a citizen of the United States.

Sec. 3. The governor: (1) shall communicate by message to each session of the legislature information touching the state and country--~~He~~; (2) is commander-in-chief of the military and naval forces and may call them out to execute the laws, suppress insurrection and repel invasion--~~He~~; (3) may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to his the officer's duties; (4) with the advice and consent of the senate ~~he~~ may appoint notaries public and other officers provided by law--~~He~~; (5) may appoint commissioners to take the acknowledgment of deeds or other instruments in writing to be used in the state--~~He~~; (6) shall take care that the laws be faithfully executed--~~He~~; and shall fill any vacancy that may occur in the offices of secretary of state, treasurer, auditor, attorney general and the other state and district offices hereafter created by law until the end of the term for which the person who had vacated the office was elected or the first Monday in January following the next general election, whichever is sooner, and until a successor is chosen and qualified.

Sec. 4. The term of office of the secretary of state, treasurer, attorney general and state auditor is four years and until a successor is chosen and qualified. The duties and salaries of the executive officers shall be prescribed by law.

Sec. 5. In case a vacancy occurs from any cause whatever in the office of governor, the lieutenant governor shall be governor during such vacancy. The compensation of the lieutenant governor shall be prescribed by law. The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office. In case the governor is unable to discharge the powers and duties of his office, the same devolves on the lieutenant governor. The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.

Sec. 6. Each officer created by this article before entering upon his duties shall take an oath or affirmation to support the constitution of the United States and of this state and to discharge faithfully the duties of his office to the best of his taker's judgment and ability.

Sec. 7. The governor, the attorney general and the chief justice of the supreme court constitute a board of pardons. Its powers and duties shall be defined and regulated by law. The governor in conjunction with the board of pardons has power to grant reprieves and pardons after conviction for an offense against the state except in cases of impeachment.

ARTICLE VI

JUDICIARY

Section 1. The judicial power of the state is vested in a supreme court, a court of appeals, if established by the legislature, a district court and such other courts, judicial officers and commissioners with jurisdiction inferior to the district court as the legislature may establish.

Sec. 2. The supreme court consists of one chief judge and not less than six nor more than eight associate judges as the legislature may establish. It shall have original jurisdiction in such remedial cases as are prescribed by law, and appellate jurisdiction in all cases, but there shall be no trial by jury in the supreme court.

The legislature may establish a court of appeals and provide by law for the number of its judges, who shall not be judges of any other court, and its organization and for the review of its decisions by the supreme court. The court of appeals shall have appellate jurisdiction over all courts, except the supreme court, and other appellate jurisdiction as prescribed by law.

As provided by law judges of the court of appeals or of the district court may be assigned temporarily to act as judges of the supreme court upon its request and judges of the district court may be assigned temporarily by the supreme court to act as judges of the court of appeals.

The supreme court shall appoint to serve at its pleasure a clerk, a reporter, a state law librarian and other necessary employees.

Sec. 3. The district court has original jurisdiction in all civil and criminal cases and shall have appellate jurisdiction as prescribed by law.

Sec. 4. The number and boundaries of judicial districts shall be established in the manner provided by law but the

office of a district judge shall not be abolished during his the judge's term. There shall be two or more district judges in each district. Each judge of the district court in any district shall be a resident of that district at the time of his selection and during his continuance in office.

Sec. 5. Judges of the supreme court, the court of appeals and the district court shall be learned in the law. The qualifications of all other judges and judicial officers shall be prescribed by law. The compensation of all judges shall be prescribed by the legislature and shall not be diminished during their term of office.

Sec. 6. A judge of the supreme court, the court of appeals or the district court shall not hold any office under the United States except a commission in a reserve component of the military forces of the United States and shall not hold any other office under this state. ~~His~~ The judge's term of office shall terminate at the time ~~he~~ the judge files as a candidate for an elective office of the United States or for a nonjudicial office of this state.

Sec. 7. The term of office of all judges shall be six years and until their successors are qualified. They shall be elected by the voters from the area which they are to serve in the manner provided by law.

Sec. 8. Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.

Sec. 9. The legislature may provide by law for retirement of all judges and for the extension of the term of any judge who becomes eligible for retirement within three years after expiration of the term for which ~~he~~ the judge is selected. The legislature may also provide for the retirement, removal or other discipline of any judge who is disabled, incompetent or guilty of conduct prejudicial to the administration of justice.

Sec. 10. As provided by law a retired judge may be assigned to hear and decide any cause over which the court to ~~which-he-is-assigned~~ of assignment has jurisdiction.

Sec. 11. Original jurisdiction in law and equity for the administration of the estates of deceased persons and all guardianship and incompetency proceedings, including jurisdiction over the administration of trust estates and for the determination of taxes contingent upon death, shall be provided by law.

Sec. 12. If the probate court is abolished by law, judges

of that court who are learned in the law shall become judges of the court that assumes jurisdiction of matters described in section 11.

Sec. 13. There shall be in each county one clerk of the district court whose qualifications, duties and compensation shall be prescribed by law. ~~He~~ The clerk shall serve at the pleasure of a majority of the judges of the district court in each district.

ARTICLE VII

ELECTIVE FRANCHISE

Section 1. Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct. The place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent.

Sec. 2. For the purpose of voting no person loses residence solely ~~by-reason-of-his-absence~~ if absent while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student in any institution of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison. No ~~soldier, seaman or marine in the army or navy~~ member of the armed forces of the United States is a resident of this state solely in consequence of being stationed within the state.

Sec. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections and no person shall be compelled to take any other or different form of oath ~~to-entitle-him~~ to vote.

Sec. 4. During the day on which an election is held no person shall be arrested by virtue of any civil process.

Sec. 5. All elections shall be by ballot except for such town officers as may be directed by law to be otherwise chosen.

Sec. 6. Every person who by the provisions of this article is entitled to vote at any election and is 21 years of age is eligible for any office elective by the people in the district wherein ~~he~~ the person has resided 30 days previous to the election, except as otherwise provided in this constitution, or the constitution and law of the United States.

Sec. 7. The official year for the state of Minnesota commences on the first Monday in January in each year and all terms of office terminate at that time. The general election shall be held on the first Tuesday after the first Monday in November in each even numbered year.

Sec. 8. The returns of every election for officeholders elected statewide shall be made to the secretary of state who shall call ~~to his~~ for assistance two or more of the judges of the supreme court and two disinterested judges of the district courts. They shall constitute a board of canvassers to canvass the returns and declare the result within three days after the canvass.

Sec. 9. The amount that may be spent by candidates for constitutional and legislative offices to campaign for nomination or election shall be limited by law. The legislature shall provide by law for disclosure of contributions and expenditures made to support or oppose candidates for state elective offices.

ARTICLE VIII

IMPEACHMENT AND REMOVAL FROM OFFICE

Section 1. The house of representatives has the sole power of impeachment through a concurrence of a majority of all its members. All impeachments shall be tried by the senate. When sitting for that purpose, senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 2. The governor, secretary of state, treasurer, auditor, attorney general and the judges of the supreme court, court of appeals and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted shall also be subject to indictment, trial, judgment and punishment according to law.

Sec. 3. No officer shall exercise the duties of ~~his~~ office after ~~he-has-been~~ being impeached and before ~~his~~ acquittal.

Sec. 4. No person shall be tried on impeachment before he ~~has-been~~ being served with a copy thereof at least 20 days previous to the day set for trial.

Sec. 5. The legislature of this state may provide for the removal of inferior officers for malfeasance or nonfeasance in the performance of their duties.

ARTICLE IX

AMENDMENTS TO THE CONSTITUTION

Section 1. A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

Sec. 2. Two-thirds of the members elected to each house of the legislature may submit to the electors at the next general election the question of calling a convention to revise this constitution. If a majority of all the electors voting at the election vote for a convention, the legislature at its next session, shall provide by law for calling the convention. The convention shall consist of as many delegates as there are members of the house of representatives. Delegates shall be chosen in the same manner as members of the house of representatives and shall meet within three months after their election. Section 5 of Article IV of the constitution does not apply to election to the convention.

Sec. 3. A convention called to revise this constitution shall submit any revision to the people for approval or rejection at the next general election held not less than 90 days after submission of the revision. If three-fifths of all the electors voting on the question vote to ratify the revision, it becomes a new constitution of the state of Minnesota.

ARTICLE X

TAXATION

Section 1. The power of taxation shall never be surrendered, suspended or contracted away. Taxes shall be uniform upon the same class of subjects and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, all seminaries of learning, all churches, church property, houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose, shall be exempt from taxation except as provided in this section. There may be exempted from taxation personal property not exceeding in value \$200 for each household, individual or head of a family, and household goods and farm machinery as the legislature determines. The legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to cash valuation. The legislature by law may define or

limit the property exempt under this section other than churches, houses of worship, and property solely used for educational purposes by academies, colleges, universities and seminaries of learning.

Sec. 2. To encourage and promote forestation and reforestation of lands whether owned by private persons or the public, laws may be enacted fixing in advance a definite and limited annual tax on the lands for a term of years and imposing a yield tax on the timber and other forest products at or after the end of the term.

Sec. 3. Every person engaged in the business of mining or producing iron ore or other ores in this state shall pay to the state an occupation tax on the valuation of all ores mined or produced, which tax shall be in addition to all other taxes provided by law. The tax is due on the first day of May in the calendar year next following the mining or producing. The valuation of ore for the purpose of determining the amount of tax shall be ascertained as provided by law. Funds derived from the tax shall be used as follows: 50 percent to the state general revenue fund, 40 percent for the support of elementary and secondary schools and ten percent for the general support of the university.

Sec. 4. The state may levy an excise tax upon any means or substance for propelling aircraft or for propelling or operating motor or other vehicles or other equipment used for airport purposes and not used on the public highways of this state.

Sec. 5. The legislature may tax aircraft using the air space overlying the state on a more onerous basis than other personal property. Any such tax on aircraft shall be in lieu of all other taxes. The legislature may impose the tax on aircraft of companies paying taxes under any gross earnings system of taxation notwithstanding that earnings from the aircraft are included in the earnings on which gross earnings taxes are computed. The law may exempt from taxation aircraft owned by a nonresident of the state temporarily using the air space overlying the state.

Sec. 6. Laws of Minnesota 1963, Chapter 81, relating to the taxation of taconite and semi-taconite, and facilities for the mining, production and beneficiation thereof shall not be repealed, modified or amended, nor shall any laws in conflict therewith be valid until November 4, 1989. Laws may be enacted fixing or limiting for a period not extending beyond the year 1990, the tax to be imposed on persons engaged in (1) the mining, production or beneficiation of copper, (2) the mining, production or beneficiation of copper-nickel, or (3) the mining, production or beneficiation of nickel. Taxes imposed on the mining or quarrying of taconite or semi-taconite and on the production of iron ore concentrates therefrom, which are in lieu of a tax on real or personal property, shall not be considered

to be occupation, royalty, or excise taxes within the meaning of this amendment.

Sec. 7. [The constitutional amendment permitting the legislature to establish the rate and method of taxing railroads was repealed at the general election on November 5, 1974]

Sec. 8. The legislature may authorize on-track parimutuel betting on horse racing in a manner prescribed by law.

ARTICLE XI

APPROPRIATIONS AND FINANCES

Section 1. No money shall be paid out of the treasury of this state except in pursuance of an appropriation by law.

Sec. 2. The credit of the state shall not be given or loaned in aid of any individual, association or corporation except as hereinafter provided.

Sec. 3. The state shall not be a party in carrying on works of internal improvements except as authorized by this constitution. If grants have been made to the state especially dedicated to specific purposes, the state shall devote the proceeds of the grants to those purposes and may pledge or appropriate the revenues derived from the works in aid of their completion.

Sec. 4. The state may contract public debts for which its full faith, credit and taxing powers may be pledged at the times and in the manner authorized by law, but only for the purposes and subject to the conditions stated in section 5. Public debt includes any obligation payable directly in whole or in part from a tax of state wide application on any class of property, income, transaction or privilege, but does not include any obligation which is payable from revenues other than taxes.

Sec. 5. Public debt may be contracted and works of internal improvements carried on for the following purposes:

(a) to acquire and to better public land and buildings and other public improvements of a capital nature and to provide money to be appropriated or loaned to any agency or political subdivision of the state for such purposes if the law authorizing the debt is adopted by the vote of at least three-fifths of the members of each house of the legislature;

(b) to repel invasion or suppress insurrection;

(c) to borrow temporarily as authorized in section 6;

(d) to refund outstanding bonds of the state or any of its agencies whether or not the full faith and credit of the state

has been pledged for the payment of the bonds;

(e) to establish and maintain highways subject to the limitations of article XIV;

(f) to promote forestation and prevent and abate forest fires, including the compulsory clearing and improving of wild lands whether public or private;

(g) to construct, improve and operate airports and other air navigation facilities;

(h) to develop the state's agricultural resources by extending credit on real estate security in the manner and on the terms and conditions prescribed by law;

(i) to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private, provided that bonds issued and unpaid shall not at any time exceed \$200,000,000 par value; and

(j) as otherwise authorized in this constitution.

As authorized by law political subdivisions may engage in the works permitted by (f), (g), and (i) and contract debt therefor.

Sec. 6. As authorized by law certificates of indebtedness may be issued during a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, in anticipation of the collection of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.

No certificates shall be issued in an amount which with interest thereon to maturity, added to the then outstanding certificates against a fund and interest thereon to maturity, will exceed the then unexpended balance of all money which will be credited to that fund during the biennium under existing laws. The maturities of certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which the certificates were issued. If money on hand in any fund is not sufficient to pay all non-refunding certificates of indebtedness issued on a fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of the biennium, the state auditor shall levy upon all taxable property in the state a tax collectible in the ensuing year sufficient to pay the same on or before December 1 of the ensuing year with interest to the date or dates of payment.

Sec. 7. Public debt other than certificates of indebtedness authorized in section 6 shall be evidenced by the

issuance of bonds of the state. All bonds issued under the provisions of this section shall mature not more than 20 years from their respective dates of issue and each law authorizing the issuance of bonds shall distinctly specify the purposes thereof and the maximum amount of the proceeds authorized to be expended for each purpose. The state treasurer shall maintain a separate and special state bond fund on ~~his~~ the treasurer's official books and records. When the full faith and credit of the state has been pledged for the payment of bonds, the state auditor shall levy each year on all taxable property within the state a tax sufficient with the balance then on hand in the fund to pay all principal and interest on bonds issued under this section due and to become due within the ensuing year and to and including July 1 in the second ensuing year. The legislature by law may appropriate funds from any source to the state bond fund. The amount of money actually received and on hand pursuant to appropriations prior to the levy of the tax in any year shall be used to reduce the amount of tax otherwise required to be levied.

Sec. 8. The permanent school fund of the state consists of (a) the proceeds of lands granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, (c) all cash and investments credited to the permanent school fund and to the swamp land fund, and (d) all cash and investments credited to the internal improvement land fund and the lands therein. No portion of these lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of the lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, the fund shall be invested to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The principal of the permanent school fund shall be perpetual and inviolate forever. This does not prevent the sale of investments at less than the cost to the fund; however, all losses not offset by gains shall be repaid to the fund from the interest and dividends earned thereafter. The net interest and dividends arising from the fund shall be distributed to the different school districts of the state in a manner prescribed by law.

A board of investment consisting of the governor, the state auditor, the state treasurer, the secretary of state, and the attorney general is hereby constituted for the purpose of administering and directing the investment of all state funds. The board shall not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

Sec. 9. The permanent university fund of this state may be loaned to or invested in the bonds of any county, school district, city or town of this state and in first mortgage loans

secured upon improved and cultivated farm lands of this state, but no such investment or loan shall be made until approved by the board of investment; nor shall a loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed 15 percent of the assessed valuation of the taxable property of the county, school district, city or town issuing the bonds; nor shall any farm loan or investment be made when the investment or loan would exceed 30 percent of the actual cash value of the farm land mortgaged to secure the investment; nor shall investments or loans be made at a lower rate of interest than two percent per annum nor for a shorter period than one year nor for a longer period than 30 years.

Sec. 10. As the legislature may provide, any of the public lands of the state, including lands held in trust for any purpose, may be exchanged for any publicly or privately held lands with the unanimous approval of the governor, the attorney general and the state auditor. Lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The state shall reserve all mineral and water power rights in lands transferred by the state.

Sec. 11. School and other public lands of the state better adapted for the production of timber than for agriculture may be set apart as state school forests, or other state forests as the legislature may provide. The legislature may also provide for their management on forestry principles. The net revenue therefrom shall be used for the purposes for which the lands were granted to the state.

Sec. 12. The legislature shall not authorize any county, township or municipal corporation to become indebted to aid in the construction or equipment of railroads to any amount that exceeds five per cent of the value of the taxable property within that county, township or municipal corporation. The amount of taxable property shall be determined by the last assessment previous to the incurring of the indebtedness.

Sec. 13. All officers and other persons charged with the safekeeping of state funds shall be required to give ample security for funds received by them and to keep an accurate entry of each sum received and of each payment and transfer. If any person converts to his-own personal use in any manner or form, or shall loan, with or without interest, or shall deposit ~~in-his-own-name,-or~~ otherwise than in the name of the state of Minnesota; or shall deposit in banks or with any person or persons or exchange for other funds or property, any portion of the funds of the state or the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid state and school funds, or either of the same, as shall thus be taken, or loaned, or deposited or exchanged, and shall be a felony. Any failure to pay over, produce or account for the state school funds, or any part of the same entrusted to such officer or

persons as by law required on demand, shall be held and be taken to be prima facie evidence of such embezzlement.

ARTICLE XII

SPECIAL LEGISLATION; LOCAL GOVERNMENT

Section 1. In all cases when a general law can be made applicable, a special law shall not be enacted except as provided in section 2. Whether a general law could have been made applicable in any case shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law authorizing the laying out, opening, altering, vacating or maintaining of roads, highways, streets or alleys; remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights on minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; granting divorces; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing, or extending the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. The inhibitions of local or special laws in this section shall not prevent the passage of general laws on any of the subjects enumerated.

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

Sec. 3. The legislature may provide by law for the creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries thereof, for their elective and appointive officers including qualifications for office and for the transfer of county seats. A county boundary may not be changed or county seat transferred until approved in each county

affected by a majority of the voters voting on the question.

Sec. 4. Any local government unit when authorized by law may adopt a home rule charter for its government. A charter shall become effective if approved by such majority of the voters of the local government unit as the legislature prescribes by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

Sec. 5. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations the legislature may require that commission members be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

ARTICLE XIII

MISCELLANEOUS SUBJECTS

Section 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.

Sec. 2. In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.

Sec. 3. All the rights, immunities, franchises and endowments heretofore granted or conferred upon the university of Minnesota are perpetuated unto the university.

Sec. 4. Land may be taken for public way and for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for land and for the damages arising from taking it. All corporations which are common carriers

enjoying the right of way in pursuance of the provisions of this section shall be bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms.

Sec. 5. The legislature shall not authorize any lottery or the sale of lottery tickets.

Sec. 6. Any combination of persons either as individuals or as members or officers of any corporation to monopolize markets for food products in this state or to interfere with, or restrict the freedom of markets is a criminal conspiracy and shall be punished as the legislature may provide.

Sec. 7. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him the person without obtaining a license therefor.

Sec. 8. The state may pay an adjusted compensation to persons who served in the armed forces of the United States during the period of the Vietnam conflict. Whenever authorized and in the amounts and on the terms fixed by law, the state may expend monies and pledge the public credit to provide money for the purposes of this section. The duration of the Vietnam conflict may be defined by law.

Sec. 9. The legislature shall pass laws necessary for the organization, discipline and service of the militia of the state.

Sec. 10. The seat of government of the state is in the city of St. Paul. The legislature may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government. If the seat of government is changed, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts to be organized by the legislature of the state. The Minnesota Historical Society shall always be a department of this institution.

Sec. 11. A seal of the state shall be kept and used officially by the secretary of state ~~and-be-used-by-him~~ officially. It shall be called the great seal of the state of Minnesota.

ARTICLE XIV

PUBLIC HIGHWAY SYSTEM

Section 1. The state may construct, improve and maintain public highways, may assist political subdivisions in this work and by law may authorize any political subdivision to aid in highway work within its boundaries.

Sec. 2. There is hereby created a trunk highway system

which shall be constructed, improved and maintained as public highways by the state. The highways shall extend as nearly as possible along the routes number 1 to 70 described in the constitutional amendment adopted November 2, 1920, and the routes described in any act of the legislature which has made or hereafter makes a route a part of the trunk highway system.

The legislature may add by law new routes to the trunk highway system. The trunk highway system may not exceed 12,200 miles in extent, except the legislature may add trunk highways in excess of the mileage limitation as necessary or expedient to take advantage of any federal aid made available by the United States to the state of Minnesota.

Any route added by the legislature to the trunk highway system may be relocated or removed from the system as provided by law. The definite location of trunk highways numbered 1 to 70 may be relocated as provided by law but no relocation shall cause a deviation from the starting points or terminals nor cause any deviation from the various villages and cities through which the routes are to pass under the constitutional amendment adopted November 2, 1920. The location of routes may be determined by boards, officers or tribunals in the manner prescribed by law.

Sec. 3. A county state-aid highway system shall be constructed, improved and maintained by the counties as public highways in the manner provided by law. The system shall include streets in municipalities of less than 5,000 population where necessary to provide an integrated and coordinated highway system and may include similar streets in larger municipalities.

Sec. 4. A municipal state-aid street system shall be constructed, improved and maintained as public highways by municipalities having a population of 5,000 or more in the manner provided by law.

Sec. 5. There is hereby created a highway user tax distribution fund to be used solely for highway purposes as specified in this article. The fund consists of the proceeds of any taxes authorized by sections 9 and 10 of this article. The net proceeds of the taxes shall be apportioned: 62 percent to the trunk highway fund; 29 percent to the county state-aid highway fund; nine percent to the municipal state-aid street fund. Five percent of the net proceeds of the highway user tax distribution fund may be set aside and apportioned by law to one or more of the three foregoing funds. The balance of the highway user tax distribution fund shall be transferred to the trunk highway fund, the county state-aid highway fund, and the municipal state-aid street fund in accordance with the percentages set forth in this section. No change in the apportionment of the five percent may be made within six years of the last previous change.

Sec. 6. There is hereby created a trunk highway fund which shall be used solely for the purposes specified in section 2 of this article and the payment of principal and interest of any bonds issued under the authority of section 11 of this article and any bonds issued for trunk highway purposes prior to July 1, 1957. All payments of principal and interest on bonds issued shall be a first charge on money coming into this fund during the year in which the principal or interest is payable.

Sec. 7. There is hereby created a county state-aid highway fund. The county state-aid highway fund shall be apportioned among the counties as provided by law. The funds apportioned shall be used by the counties as provided by law for aid in the construction, improvement and maintenance of county state-aid highways. The legislature may authorize the counties by law to use a part of the funds apportioned to them to aid in the construction, improvement and maintenance of other county highways, township roads, municipal streets and any other public highways, including but not limited to trunk highways and municipal state-aid streets within the respective counties.

Sec. 8. There is hereby created a municipal state-aid street fund to be apportioned as provided by law among municipalities having a population of 5,000 or more. The fund shall be used by municipalities as provided by law for the construction, improvement and maintenance of municipal state-aid streets. The legislature may authorize municipalities to use a part of the fund in the construction, improvement and maintenance of other municipal streets, trunk highways, and county state-aid highways within the counties in which the municipality is located.

Sec. 9. The legislature by law may tax motor vehicles using the public streets and highways on a more onerous basis than other personal property. Any such tax on motor vehicles shall be in lieu of all other taxes thereon, except wheelage taxes imposed by political subdivisions solely for highway purposes. The legislature may impose this tax on motor vehicles of companies paying taxes under the gross earnings system of taxation notwithstanding that earnings from the vehicles may be included in the earnings on which gross earnings taxes are computed. The proceeds of the tax shall be paid into the highway user tax distribution fund. The law may exempt from taxation any motor vehicle owned by a nonresident of the state properly licensed in another state and transiently or temporarily using the streets and highways of the state.

Sec. 10. The legislature may levy an excise tax on any means or substance used for propelling vehicles on the public highways of this state or on the business of selling it. The proceeds of the tax shall be paid into the highway user tax distribution fund.

Sec. 11. The legislature may provide by law for the sale

of bonds to carry out the provisions of section 2. The proceeds shall be paid into the trunk highway fund. Any bonds shall mature serially over a term not exceeding 20 years and shall not be sold for less than par and accrued interest. If the trunk highway fund is not adequate to pay principal and interest of these bonds when due, the legislature may levy on all taxable property of the state in an amount sufficient to meet the deficiency or it may appropriate to the fund money in the state treasury not otherwise appropriated.