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WORKS PROGRESS ADMINISTRATION

HARRY L. HOPKINS, ADMINISTRATOR
CORRINGTON GILL, ASSISTANT ADMINISTRATOR
HOWARD B. MYERS, DIRECTOR
DIVISION OF SOCIAL RESEARCH

ANALYSIS OF CONSTITUTIONAL PROVISIONS
AFFECTING PUBLIC WELFARE IN THE STATE OF
MINNESOTA

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PREPARED BY
ROBERT C. LOWE AND DAVID S. LANDER
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
A. ROSS ECKLER, COORDINATOR OF SPECIAL INQUIRIES
DIVISION OF SOCIAL RESEARCH

Preface

This bulletin is one of a series presenting State constitutional provisions affecting public welfare, prepared to supplement the State by State digests of public welfare laws so as to provide in abstract form the basis for the public welfare services of the several States.

The provisions quoted are those concerned directly with public welfare administration and such others as may substantially affect a public welfare program, even though only indirectly related. It would be impossible to consider within the limits of this study every remotely connected constitutional provision. The indirectly related provisions included, therefore, have been restricted to those concerning finance, legislation, and the methods of constitutional amendment.

An attempt has been made, by a careful selection of the most recent cases decided by the highest courts of the States, to indicate wherever possible how these provisions have been construed. These cases are included in footnotes appended to the constitutional provisions shown.

It is hoped that these abstracts will be useful to those interested in public welfare questions in indicating how State and local public welfare administration may be affected by constitutional powers and limitations.

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Minnesota

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THE STATE OF TEXAS

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I, the undersigned, Clerk of the County of ... State of Texas, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of ... State of Texas.



ANALYSIS OF CONSTITUTIONAL PROVISIONS AFFECTING

PUBLIC WELFARE IN MINNESOTA 1/

I. Incidence of Responsibility for Welfare Program

No provision. 2/

II. Financial Powers and Limitations

A. Taxation and Assessments

(1) State

(a) 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, Provided, that the legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to a cash valuation, and provided further, that nothing herein contained shall be construed to affect, modify or repeal any existing law providing for the taxation of the gross earnings of railroads. 3/

1. Constitution (1857) as printed in the Minnesota Legislative Manual of 1935, with all amendments to February 15, 1937.
2. A statute, appropriating State money for direct relief and work relief, was held not to contravene any section of the Minnesota Constitution. *Moses vs. Olson*, 192 Minn. 173, 255 N. W. 617 (1934). See footnote 3, below; page 6, footnotes 11 and 12; and page 9, footnote 18.

"We do not look to the Constitution to find legislative power of a state. The state legislature possesses all legislative power not withheld or forbidden by the terms of the state or Federal Constitution." *Williams vs. Evans*, 139 Minn. 32, 165 N. W. 495 (1917).

"The power of the state legislature to restrict liberty of contract is coincident with what is familiarly known as the police power . . . 'It may be said in a general way that the police power extends to all the great public needs . . . It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare'." So minimum wage legislation as applied to women and minors was held valid. *Ibid.*

3. Constitution, Art. IX, Sec. 1, as amended 1934.
Money appropriated to provide direct relief, work relief, and employment to needy, destitute, and disabled persons, was held to be unquestionably for a public purpose. *Moses vs. Olson*, 192 Minn. 173, 255 N. W. 617 (1934).

"The power of taxation is inherent in the sovereignty . . . except as limited by the State or National Constitution. In other words, the constitutional provisions are not a grant of, but a limitation upon, this power, and except in so far as thus limited it is exhaustive and embraces every conceivable subject of taxation." *Reed vs. Bjornson*, 191 Minn. 254, 253 N. W. 102 (1934).

(Footnote forwarded)

II. Financial Powers and Limitations (Cont'd)

A. Taxation and Assessments (Cont'd)

(1) State (Cont'd)

(b) Every person, co-partnership, company, joint stock company, corporation, or association however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores in this State, shall pay to the State of Minnesota 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, . . . Funds derived from the tax herein provided for shall be apportioned: fifty per cent to the State General Revenue Fund, forty per cent to the Permanent School Fund and ten per cent to the Permanent University Fund. The Legislature by law shall make the necessary provisions for carrying out the provisions of this section. 4/

(c) . . . The legislature is authorized to add to such (State Road and Bridge) fund, for the purpose of constructing or improving roads and bridges of this State, by providing, in its discretion, for an annual tax levy upon the property of this State of

(Footnote #3 - Continued)

An income tax statute providing for a graduated tax and for exemptions was held valid under this section. The court said that it was unnecessary to determine whether an income tax was a property or an excise tax, because the language of this section "Taxes shall be uniform upon the same class of subjects" applied to all taxes whether property or otherwise. That the uniformity required by this section, however, is no more restrictive than the uniformity required under the Fourteenth Amendment to the Federal Constitution. Under this rule, the Legislature may classify the subjects of taxation so long as the classification is not unreasonable or arbitrary. The present Income Tax Statute is a legitimate exercise of the Legislature's power to classify. Ibid.

A statute, providing for a lower assessed valuation on the first \$4,000 of actual value of homestead than on non-homestead property, was held not to violate this section or the Fourteenth Amendment to the Federal Constitution, since it was a reasonable classification. *Apartment Owners Association vs. City of Minneapolis*, 191 Minn. 365, 254 N. W. 443 (1934).

A statute which permitted delinquent taxes to be satisfied in full by the payment of a fraction of the amount originally assessed, was held contrary to the uniformity clause of this section, since such a classification was unreasonable and contrary to public policy, because its effect would be to encourage tax delinquencies. *State ex rel. Matteson vs. Luecke*, 194 Minn. 246, 260 N. W. 206 (1935).

A statute, providing for the attachment, by the county auditor, of rents received from real estate upon which taxes had become delinquent, did not violate the uniformity provision of this section, nor the Fourteenth Amendment to the Federal Constitution. In re *Taxes Delinquent*, 266 N. W. 867 (1936).

4. Constitution, Art. IX, Sec. 1A, adopted 1922.

II. Financial Powers and Limitations (Cont'd)A. Taxation and Assessments (Cont'd)(1) State (Cont'd)

not to exceed in any one year one mill on all the taxable property within the State. Provided, that no county shall receive in any year more than three (3) per cent, or less than one-half ($\frac{1}{2}$) of one (1) per cent of the total fund thus provided and expended during such year. 5/

(d) The legislature is hereby authorized to provide, by law, for the taxation of motor vehicles, using the public streets and highways of this state, on a more onerous basis than other personal property; provided, however, that any such tax on motor vehicles shall be in lieu of all other taxes thereon, except wheelage taxes, so-called, which may be imposed by any borough, city or village, and except that the legislature may impose such tax upon motor vehicles of companies paying taxes under gross earnings system of taxation and upon the right to use such vehicles upon the public highways notwithstanding the fact that earnings from such vehicles may be included in the earnings of such companies upon which such gross earnings taxes are computed. Any such law may, in the discretion of the legislature, provide for the exemption from taxation of any motor vehicle owned by a nonresident of the state, and transiently or temporarily using the streets and highways of the state. The proceeds of such tax shall be paid into said trunk highway sinking fund. 6/

(e) . . . The state . . . may levy an excise tax upon any substance, material, fluid, force or other means or instrumentality, or the business of dealing in, selling or producing any or all thereof, used or useful, in producing or generating power for propelling motor or other vehicles used on the public highways of this State, and shall place two-thirds of the proceeds of such tax in the Trunk Highway Fund . . . and one-third thereof in the State Road and Bridge Fund, . . . 7/

5. Constitution, Art. IX, Sec. 16, as amended 1912.

6. Constitution, Art. XVI, Sec. 3, as amended 1932.

This section was amended to expressly allow the taxation of motor vehicles of companies paying a gross income tax, subsequent to a decision holding that the motor vehicles of such companies could not be taxed under the section as it stood prior to the amendment. *Railway Express Agency vs. Holm*, 180 Minn. 268, 230 N. W. 815 (1930).

A State resident must pay a motor vehicle tax on his automobile even though the vehicle was out of the State a major portion of the year, and the fact that such owner must pay a tax thereon in another State does not affect the liability. *State vs. White*, 176 Minn. 183, 222 N. W. 918 (1929).

7. Constitution, Art. IX, Sec. 5, as amended 1928.

4. Minnesota

II. Financial Powers and Limitations (Cont'd)

A. Taxation and Assessments (Cont'd)

(2) Counties

Any county and township organization shall have such powers of local taxation as may be prescribed by law. 8/

(3) Other Local Units

No provision. 9/

B. Exemptions

. . . public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, shall be exempt from taxation, and 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 may determine: . . . 10/

8. Constitution, Art. XI, Sec. 5.

9. Any city or village may frame a charter for its own government as a city, consistent with and subject to the laws of the State. The charter may be framed by a board of 15 commissioners, appointed by the district judge of that judicial district. The Legislature shall prescribe the general limits within which such charter shall be framed. If the proposed charter is approved by four-sevenths of the voters, it becomes the charter of the city. Such charter may be amended if the proposal thereof, made by the board of 15 commissioners, is approved by three-fifths of the voters voting at the next election. Constitution, Art. IV, Sec. 36.

"There is no question that the Legislature by express legislation may supersede the provisions of home-rule charters".
Guaranteed Concrete Company vs. Garrick Brothers, 185 Minn. 454, 241 N. W. 588 (1932).

In the absence of State legislation directly concerning the matter in question, the home-rule charter will prevail. Northern Pacific Railway Company vs. City of Duluth, 153 Minn. 122, 189 N. W. 937 (1922).

10. Constitution, Art. IX, Sec. 1, as amended 1934.

"We hold that the enumeration of exemptions in our Constitution does not forbid making others which do not offend the uniformity inherent in the power to tax". So the exemption of incomes of less than certain amounts from an income tax was held valid. Reed vs. Bjornson, 191 Minn. 254, 253 N. W. 102, 109 (1932).

The term "church property" has reference to the use of the property for the purposes of the church organization, and where a lot and dwelling owned by a church is rented for dwelling purposes (Footnote forwarded)

II. Financial Powers and Limitations (Cont'd)C. Borrowing and Use of Credit(1) State

(a) For purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed two hundred and fifty thousand dollars;

(Footnote #10 - Continued)

and the rental used by the church in support of its religious exercises, it is not exempt from taxation. *State vs. Union Congregational Church*, 173 Minn. 40, 216 N. W. 326 (1927).

A parsonage, owned and maintained by a church organization as a residence for its pastor free of charge, was held exempt from taxation. *State vs. Church of Incarnation*, 158 Minn. 48, 196 N. W. 803 (1924).

As a general rule tax exemptions should be construed strictly, but tax exemption of educational institutions should be an exception to this rule because the State is directly concerned with education. Dormitories of a college, the houses of professors, and a farm contiguous to the college campus, were held exempt from taxation as being property reasonably necessary for the carrying out of the purposes of the college, but a farm owned by the college and separate from the campus was held subject to taxation. *State vs. Carleton College*, 154 Minn. 280, 191 N. W. 400 (1923).

A building, used to offer instruction in speech and music by an institution, with an attendance of 475 students, having a regular curriculum and awarding degrees upon completion of the course, was held exempt from taxation as a "seminary of learning". *State vs. Northwestern College of Speech Arts*, 193 Minn. 123, 258 N. W. 1 (1934).

A private hospital, operated at a loss, to which the county sent all patients who were public charges and paid therefor a reduced flat rate, and containing no charity beds, was held not to be a "public hospital" and hence not exempt from taxation. The court said that before an institution is a "public hospital" it must be operated for the benefit of the public, and thus without a private profit. *State vs. Browning*, 192 Minn. 25, 255 N. W. 254 (1934).

A burying ground, in which lots were sold to the public, and which was operated by an association for pecuniary profit, was held a "public burying ground" and hence exempt from taxation. *State vs. Crystal Lake Cemetery*, 155 Minn. 187, 193 N. W. 170 (1923).

Farm lands, acquired by the State through foreclosure of mortgages taken by the Rural Credits Board, were held exempt from taxation, since in the absence of statutes to the contrary, State lands are exempt from taxation. *In re Delinquent Real Estate Tax Proceedings*, 182 Minn. 437, 234 N. W. 691 (1931).

II. Financial Powers and Limitations (Cont'd)C. Borrowing and Use of Credit (Cont'd)(1) State (Cont'd)

every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest . . . and . . . the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. ^{11/} The state shall never contract any debts for works of internal improvements, or to be a party in carrying on such works, except as authorized by Section 16 of Article 9, and by Article 16 of this Constitution, . . . ^{12/}

11. A statute, authorizing the issuance of \$250,000 of public relief certificates, payable out of the State taxes on intoxicating liquor and beer, collected within two years of the effective date of the liquor tax law, the proceeds to be used for direct relief and work relief, was held not to violate this section, because these certificates did not constitute a "public debt". The court said these certificates were issued in anticipation of the receipt of taxes rightfully appropriated, and were valid only as against funds raised from these taxes, and were not general obligations of the State, and so did not constitute a "public debt" within the meaning of this section. *Moses vs. Olson*, 192 Minn. 173, 255 N. W. 617 (1934).

Certificates of indebtedness, issued in the amount of \$2,250,000 for the purpose of erecting a State prison, payable out of a property tax levied for that purpose, and not general obligations of the State, were held not to constitute a "public debt". The court said that since these certificates were not a general obligation of the State, but were payable out of a tax on property levied for ten successive years for this particular purpose, they did not constitute a "public debt". *Brown vs. Ringdahl*, 109 Minn. 6, 122 N. W. 469 (1909).

Bonds, issued by the board of regents of the State University and which were payable solely out of the earnings of a dormitory, and which did not obligate the State, nor the University, nor the regents, were held not to constitute a "debt" within the meaning of this section. *Fanning vs. University of Minnesota*, 183 Minn. 222, 236 N. W. 217 (1931).

12. Constitution, Art. IX, Sec. 5, as amended 1928.

Article IX, Section 16, and Article XVI, relate to State highways.

(Footnote forwarded)

II. Financial Powers and Limitations (Cont'd)

C. Borrowing and Use of Credit (Cont'd)

(1) State (Cont'd)

(b) All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the State under par. . . . 13/

(c) The State shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article. (See the two paragraphs in the text immediately preceding.) 14/

(Footnote #12 - Continued)

A statute, appropriating money for work relief and authorizing the undertaking of projects involving flood control, water supply, water diversion, control of erosion, reforestation and any other projects which would aid in the conservation and development of the natural resources of the State and in the promotion or conservation of the public health, public safety and general welfare of the people of the State, was held not to violate this section. The court said: "Nor does the provision of the act indicating the purposes to which employment may be directed violate the constitutional provision against carrying on works of internal improvement so long as those works remain incidental only to the main public purpose of relief to the poor". *Moses vs. Olson*, 192 Minn. 173, 255 N. W. 617 (1934).

A statute, authorizing the construction of a railway connecting the University farm with the street car system of the City of Minneapolis and with a belt line railway, did not violate this section, because this section has no application to works used by or for the State in the performance of its governmental functions. *Knapp vs. State*, 125 Minn. 194, 145 N. W. 967 (1914).

A statute, authorizing the State game and fish commissioner to engage in certain fishing operations which included buying and selling fish in the open market, was held not to violate this section, because these operations were carried on incidentally to the main purpose of restoring and preserving the fish supply. *Lipinski vs. Gould*, 173 Minn. 559, 218 N. W. 123 (1928).

This section does not prevent the State from furnishing funds for, and carrying into effect measures intended to promote the public safety, preserve the public health, or suppress disease. So a statute designed to suppress tuberculosis among cattle was held valid. *Schulte vs. Fitch*, 162 Minn. 184, 202 N. W. 719 (1925).

13. Constitution, Art. IX, Sec. 6.

14. Constitution, Art. IX, Sec. 7.

No limitation is imposed upon the amount of debt that may be contracted for the purposes contemplated by this section. A public (Footnote forwarded)

8. Minnesota

II. Financial Powers and Limitations (Cont'd)

C. Borrowing and Use of Credit (Cont'd)

(1) State (Cont'd)

(d) The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever. 15/

(e) For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, the state prison, the legislature may by law increase the public debt of the State to an amount not exceeding \$250,000, in addition to the public debt already heretofore authorized by the Constitution; and for that purpose may provide by law for issuing and negotiating the bonds of the State, and appropriate the money only for the purpose aforesaid; which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the State. 16/

(f) The legislature may provide by law for the issue and sale of the bonds of the state in such amount as may be necessary to carry out the provisions of section 1 of this article, provided, however, that the amount of bonds which may be issued in any one calendar year shall not exceed, in the aggregate, ten million dollars, par value, and provided, further, the total amount of such bonds issued and unpaid shall not at any time exceed seventy-five million dollars, par value. The proceeds of the sale of such bonds shall be paid into the treasury of the state and credited to the trunk highway fund. Any bonds so issued and sold shall be for a term not exceeding twenty (20) years . . . 17/

(Footnote #14 - Continued)

debt of \$20,000,000 for the purpose of paying a bonus to men who served for the United States during the World War, was held valid under this section, because: "A public debt for a proper military purpose may be legally contracted in time of war without reference to a state of invasion or insurrection". Gustalson vs. Rhinow, 144 Minn. 415, 175 N. W. 903 (1920).

15. Constitution, Art. IX, Sec. 8.

A statute, providing that the State pay to school districts an amount equivalent to that formerly paid in taxes on land foreclosed by the Rural Credits Board, was held void, as an attempt to divert interest arising from rural credit loans to a purpose other than those specified in the act authorizing the loans. State ex rel. Common School District No. 15 vs. Sageng, 182 Minn. 565, 235 N. W. 380 (1931).

16. Constitution, Art. IX, Sec. 14a, adopted 1872.

17. Constitution, Art. XVI, Sec. 4, adopted 1920.

"Section 1 of this article" creates a trunk highway system.
Constitution, Art. XVI, Sec. 1.

II. Financial Powers and Limitations (Cont'd)C. Borrowing and Use of Credit (Cont'd)(1) State (Cont'd)

(g) The state and (or) any of its political subdivisions, if and whenever authorized by the legislature, may contract debts and pledge the public credit for and engage in any work reasonably tending to prevent or abate forest fires, including the compulsory clearing and improvement of wild lands (whether belonging to the public or privately owned) . . . 18/

(h) The Credit of the State shall never be given or loaned in aid of any individual, association or corporation, . . . Provided, however that for the purpose of developing the agricultural resources of the state, the State may establish and maintain a system of rural credits and thereby loan money and extend credit to the people of the State upon real estate security . . . and to issue and negotiate bonds to provide money to be so loaned. The limit of indebtedness contained in Section 5 (page 5, par. (a)) of this Article shall not apply to the provisions of this Section, and the purposes for which the credit of the State or the aforesaid municipal subdivisions thereof may be given or loaned as herein provided are declared to be public purposes. 19/

18. Constitution, Art. XVII, Sec. 1, adopted 1924.

A statute, which authorized the county to clear land on privately owned farms and to finance such work by the issuance of county bonds payable out of assessments on the lands improved, was held not to be a work reasonably tending to prevent or abate forest fires, and so unconstitutional as a "loaning of public credit" under Article IX, Section 10 of the Constitution. *Sundquist vs. Fraser*, 154 Minn. 371, 191 N. W. 931 (1923). For Article IX, Section 10, see the paragraph in the text immediately following.

19. Constitution, Art. IX, Sec. 10, as amended 1922.

Borrowing by the State for the purpose of furnishing direct relief and work relief to the needy does not constitute a lending of the credit of the State to individuals, but rather the State is making use of its own credit for a legitimate purpose. *Moses vs. Olson*, 192 Minn. 173, 255 N. W. 617 (1934).

Farm lands acquired by the State through foreclosure of mortgages taken by the Rural Credits Board are exempt from taxation. In *re Delinquent Real Estate Tax Proceedings*, 182 Minn. 437, 234 N. W. 691 (1931). See page 4, footnote 10.

II. Financial Powers and Limitations (Cont'd)

C. Borrowing and Use of Credit (Cont'd)

(2) Counties and Other Local Units

(a) The legislature shall not authorize any county, township, city or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five (5) per centum of the value of the taxable property within such county, township, city, or other municipal corporation . . . 20/

(b) See page 9, par. (g), and footnote 18.

D. Other Income

All lands donated to the State of Minnesota for the purpose of internal improvement, under the eighth section of the act of Congress, approved September fourth, eighteen hundred and forty-one, . . . shall be appraised and sold, . . . All moneys derived from the sales of said lands shall be invested . . . and . . . shall constitute the Internal Improvement Land Fund of the State. . . The principal sum from all sales of internal improvement lands, shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; . . . 21/

E. Appropriations and Expenditures

(1) State

(a) No money shall be appropriated except by bill
. . . 22/

(b) No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law. 23/

(2) Counties and Other Local Units

No money shall be drawn from any county or township treasury except by authority of law. 24/

20. Constitution, Art. IX, Sec. 15, adopted 1879.

See page 4, footnote 9, for home-rule charter provisions.

21. Constitution, Art. IV, Sec. 32b, adopted 1872.

The proceeds of lands granted by the United States for the use of schools shall be a perpetual school fund. Constitution, Art. VIII, Sec. 2.

Any tax imposed on motor vehicles must be paid into the "trunk highway sinking fund" to be used in building and improving roads. Constitution, Art. XVI, Sec. 2.

22. Constitution, Art. IV, Sec. 12.

23. Constitution, Art. IX, Sec. 9.

24. Constitution, Art. XI, Sec. 6.

III. Provisions Affecting Legislation

A. Regular Sessions of Legislature

The legislature . . . shall meet biennially . . . at such time as shall be prescribed by law, but no session shall exceed the term of ninety (90) legislative days; . . . 25/

B. Special Sessions of Legislature

. . . He (the Governor) may on extraordinary occasions convene both houses of the legislature . . . 26/

C. Powers of Initiative and Referendum

No provision. 27/

D. Legislative Enactment

(1) . . . No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house. 28/

(2) Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is depending (pending) shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length. 29/

25. Constitution, Art. IV, Sec. 1, as amended 1888.

26. Constitution, Art. V, Sec. 4, as amended 1896.

27. Certain laws relating to the taxation of railroads must be submitted to a vote of the people. Constitution, Art. IV, Sec. 32A, adopted 1871.

Appropriations from the internal improvement land fund shall not be made until approved by the voters. Constitution, Art. IV, Sec. 32b, adopted 1872.

28. Constitution, Art. IV, Sec. 13.

The provisions of this section and Article IV, Section 20, are mandatory. Board of Supervisors of Ramsey County vs. Heenan, 2 Minn. 330, 2 Gil. 281 (1858). Followed: State ex rel. Kohlman vs. Wagner, 130 Minn. 424, 153 N. W. 749 (1915). Cited with approval: State ex rel. Peterson vs. Hoppe, 194 Minn. 186, 260 N. W. 215 (1935). For Article IV, Section 20, see the paragraph of the text immediately following.

29. Constitution, Art. IV, Sec. 20.

The provisions of this section are mandatory. Board of Supervisors of Ramsey County vs. Heenan, 2 Minn. 330, 2 Gil. 281 (1858). See footnote 28 above.

III. Provisions Affecting Legislation (Cont'd)D. Legislative Enactment (Cont'd)

(3) No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses.
 . . . 30/

(4) No law shall embrace more than one subject, which shall be expressed in its title. 31/

(5) In all cases when a general law can be made applicable no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law . . . exempting property from taxation, . . . or authorizing public taxation for a private purpose. Provided, however, that The inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated . . . 32/

30. Constitution, Art. IV, Sec. 22.

31. Constitution, Art. IV, Sec. 27.

A statute, which provided for the detachment of agricultural lands from certain cities, and the apportionment of debt in case this was done, did not violate this section since all parts of the statute related to one subject, i. e., the detachment of lands from cities of the fourth class. The court said that to constitute duplicity of subjects "an act must embrace two or more dissimilar and discordant subjects that by no intendment can be considered as having any legitimate connection with or relation to each other". In re Wesely, 188 Minn. 237, 246 N. W. 905 (1933).

32. Constitution, Art. IV, Sec. 33, adopted 1888.

A statute, authorizing any city or village of the fourth class which contains two or more school districts, one of which maintains a State high school, to consolidate the two school districts, was held a general and not a special law, even though only one city fell within this classification. The court said that the Legislature has the power of classification in relation to the subjects upon which it may legislate, and "it is only when the classification is so manifestly arbitrary as to evince legislative purpose to evade the Constitution, that the courts will declare the legislation special and therefor void". State ex rel. Flaten vs. Independent School District of Granite Falls, 143 Minn. 433, 174 N. W. 414 (1919).

The mere fact that the legislation may apply to only one municipality is unimportant if the classification is not arbitrary. State ex rel. Peterson vs. Severson, 194 Minn. 644, 261 N. W. 469 (1935).

III. Provisions Affecting Legislation (Cont'd)

D. Legislative Enactment (Cont'd)

(6) Every bill which shall have passed the Senate and House of Representatives, . . . shall, before it becomes a law, be presented to the governor of the State . . . 33/

(7) . . . no new bill shall be introduced in either branch, except on the written request of the governor, during the last twenty (20) days of such (regular) sessions, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor. 34/

IV. Constitutional Amendment or Revision

A. By Proposal of Legislature or People

Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, . . . and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately. 35/

33. Constitution, Art. IV, Sec. 11, as amended 1876.

The section further provides that if the Governor approves of the bill he shall sign it, but if not he shall return it to the Legislature where it may be passed over his veto by a two-thirds majority. A bill not returned by the Governor within three days becomes a law, unless the Legislature, by adjournment within that time, prevents its return. The Governor may object to one or more items in an appropriation bill, in which case the items objected to are subject to the same procedure as bills vetoed as a whole. Ibid.

In computing the three day period in which the Governor may return a bill, Sunday is the only day to be excluded. State ex rel. Putnam vs. Holm, 172 Minn. 162, 215 N. W. 200 (1927).

34. Constitution, Art. IV, Sec. 1, as amended 1888.

35. Constitution, Art. XIV, Sec. 1, as amended 1898.

A proposed amendment, relating to income taxes and also providing for the taxation of national banks, was attacked on the ground that the different subjects constituted different amendments and so under the last sentence of this section should be submitted to the voters separately. The court held that this constituted but one amendment since it all referred to the one subject of taxation. Winget vs. Holm, 187 Minn. 78, 244 N. W. 331 (1932).

IV. Constitutional Amendment or Revision (Cont'd)

B. By Constitutional Convention

Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next general election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid. 36/



