

proclamation thereof and said amendment shall thereupon take effect and be in full force as part of the constitution of the State of Minnesota.

Sec. 3. The ballots used at said election on said proposed amendment shall have printed thereon:

“Amendment of Section thirteen (13) Article one

(1) of the constitution to authorize the taking, destroying or damaging of private property for either public or private drainage purposes and uses Yes.No.

Each elector voting upon such proposed amendment shall place a cross mark thus (X) in the space to the left on the ballot opposite each of the words “Yes” and “No,” and his vote shall be counted in accordance with the will of the electors so expressed and as provided by the election law of this state.

Approved April 24, 1915.

CHAPTER 385—H. F. No. 57.

An Act proposing an amendment to Section 1, Article 4 of the constitution of the State of Minnesota, so as to reserve to the people the direct power of the initiative and referendum as additional means to secure and control legislation, and as an additional means by which the people may amend the constitution.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That an amendment to Section 1, Article 4 of the state constitution, is hereby proposed to the people of this state for their approval or rejection, so that said section when amended shall read as follows:

Sec. 1. **Two Houses—Sessions.**—The legislature shall consist of the senate and house of representatives, which shall meet biennially at the seat of government of the state, at such time as shall be prescribed by law, but no session shall exceed the term of ninety (90) legislative days, and no bill shall be introduced in either branch, except on the written request of the governor, during the last twenty days of such session, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor; but the people reserve to themselves direct power as follows:

(a) **Constitutional initiative.**—When at any time prior to the commencement of any session of the legislature, there shall have been filed with the secretary of state a petition proposing an amendment to the constitution, signed by two per centum of the electors of the state, the secretary of state shall transmit the same to the legislature not later than ten (10) days after the commencement of the session. If the amendment so proposed be not submitted to the electors by the legislature at such ses-

sion, or if it be submitted in an amended form, then, upon a further petition or petitions, each signed by eight per centum of the electors of the state, filed with the secretary of state within six months after the adjournment of the legislature, the amendment proposed in the first petition, or one or more amended forms thereof, shall be submitted to the electors for their approval or rejection at the next general or special state-wide election occurring not less than ninety days after the filing of any such further petition. Any amendment proposed by initiative petition and, in its original or in an amended form, submitted to the electors by the legislature or by a further petition, shall become a part of the constitution, if approved by a majority of the electors voting at such election, or by four-sevenths of the electors voting on the proposed amendment; provided, not less than three-sevenths of the electors voting at said election voted for the proposed amendment. This section shall be construed as a means in addition to Section 1, Article 14, of the state constitution, for amending the same."

(b) **Statutory initiative.**—When at any time prior to the commencement of any session of the legislature there shall have been filed with the secretary of state, a petition proposing a law, signed by two per centum of the electors of the state, the secretary of state shall transmit the same to the legislature not later than ten (10) days after the commencement of the session. If the law so proposed be not passed by the legislature at such session, or if it be passed in an amended form, then upon a further petition or petitions, each signed by six per centum of the electors of the state, filed with the secretary of state within six months after the adjournment of the legislature, the law proposed in the first petition or one or more amended forms thereof, shall be submitted to the electors at the next general or special statewide election, occurring not less than ninety days after the filing of any such further petition or petitions, and if approved by a majority of the electors voting thereon, *provided the vote in favor of the proposed law be not less than thirty-three per centum of the total number of votes cast at such election*, the same shall become a law and go into effect thirty days after such election, and shall supersede any amended form of such law which may have been passed by the legislature. No law passed by the initiative petition and approved by the electors shall be subject to the veto of the governor. The authority of the people to enact laws, as provided in this subdivision, shall extend only to laws authorized by the provisions of the constitution.

(c) **The referendum.**—If within ninety days after the final adjournment of any session of the legislature, a referendum petition, signed by six per centum of the electors of the state, shall be filed with the secretary of state against any law or any part

of a law, passed by the legislature at such session, such law, or such part of a law, shall be submitted to the electors at the next general or special state-wide election, occurring not less than ninety days after the filing of said petition. If a majority of the votes cast thereon be in the negative, *provided such negative vote be not less than thirty-three per centum of the total number of votes cast at such election*, such law or such part of a law shall thereby be repealed. Provided, that if a referendum petition is signed by fifteen per centum of the electors of the state, the law, or part of a law, against which such petition is filed shall be suspended pending the referendum vote thereon. *Provided the same shall equal 33 per cent of the votes at such election.*

Any law providing for a tax levy or appropriating money for the current expenses of the state government or state institutions, any act of the legislature submitting a constitutional amendment or other question to the electors of the state, or any emergency law necessary for the immediate preservation of the public peace, health, or safety, shall go into effect immediately upon its passage and approval by the governor, and such laws, except emergency laws, shall not be subject to a referendum vote. All other laws shall go into effect ninety days after the adjournment of the legislature. A bill proposing an emergency law shall contain a preamble briefly setting forth the facts constituting the emergency. A separate vote shall be taken upon the preamble of such bill by a call of the yeas and nays, and if the preamble be adopted by a two-thirds vote of all the members of each house, it shall be an emergency law.

(d) **General provisions.**—All petitions provided for in this section shall contain a title indicating the subject and purpose of the proposed law or constitutional amendment, or the law, or part of a law to be referred, and if a change is proposed in an existing constitutional provision or statute, in addition to referring to the same, it shall state the general effect of the proposed change, and also the full text of the proposed law or amendment to the constitution, or of the law or part of a law, to be referred. Any initiative or referendum petition may be signed in separate parts but each part shall conform to the provisions herein contained. All petitions shall be signed and verified before a person authorized to administer an oath, and shall be in such form that a person signing a petition thereby states under oath, the date of his signature, his residence, that he is a qualified elector, that he has not previously signed any part of such petition, and that he has signed the petition with knowledge of the contents thereof. To each part of such petition shall be attached the affidavit of the person before whom the same was signed, which affidavit shall contain a statement of the number of signers thereon, that each of the signatures attached to such part was made in the presence

of the affiant, that to the best of his knowledge and belief each signature is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed such petition to be electors, that they signed such petition with knowledge of the contents thereof, and that each person signed the same on the date stated opposite his name. The circulation of the petition provided for herein, or the prohibition of the circulation thereof, may be regulated by law, and in case the circulation of any petition is prohibited by law, the percentage of signers required on any petition provided for in this section shall be one-half of the percentage specified in subdivisions a, b and c of this section.

The percentage in any case shall be based upon the total number of votes cast for governor at the next preceding election. All petitions provided for in this section shall contain the signature of not less than one-half of the designated percentage of the electors in not less than one-fourth of the counties of the state. In initiating a law or constitutional amendment, electors who have signed the first shall be qualified to sign the second petition.

The sufficiency of all petitions shall be decided by the secretary of state subject to review by the court. If the secretary of state decides that any petition is insufficient, he shall permit a reasonable time for making corrections or for filing additional signatures. In the event of legal proceedings in court to prevent giving effect to any such petition on account of insufficiency, or any other ground, the burden of proof shall be upon the person attacking the petition. No law or amendment to the constitution initiated and approved by the electors as herein provided, shall be held unconstitutional or void on account of the insufficiency of any initiative petition; nor shall the repeal of any law submitted by referendum petition be held invalid for such insufficiency.

All initiative laws and constitutional amendments shall be so submitted to the electors as to permit an affirmative or negative vote upon each measure submitted. If conflicting proposed laws or conflicting proposed amendments to the constitution be approved at the same election, the one receiving the highest number of affirmative votes shall prevail as to conflicting provisions.

The style of all legislative measures and amendments to the constitution initiated by the people under this section shall be: "Be it enacted by the People of the State of Minnesota."

The provisions of this section may be enforced by appropriate legislation, but until such legislation has been enacted, this section shall be self executing.

Sec. 2. This proposed amendment shall be submitted to the people of the state for their approval or rejection at the next general election, and the electors of this state in their respective

election districts may, at such election, vote by ballot or by voting machine for or against this amendment, and the return thereon shall be made and certified within the time, and such votes shall be canvassed, and the result of said election shall be declared in the manner provided by law with reference to the election of state officers; and if it shall appear thereon that a majority of all electors voting at said election have voted for the same, then the governor shall make proclamation thereof; and such amendment shall take effect and be in force as a part of the constitution of this state.

Sec. 3. The ballots used at said election in voting upon said amendment shall have printed thereon: "A provision for direct legislation by the people through the initiative and referendum, being an amendment to Section 1, Article 4 of the state constitution, "Yes..... No.....," and each elector voting upon said amendment shall place a cross mark (X) in the space to the left opposite the word "Yes" or in the space opposite the word "No" or may vote by voting machine as the case may be, and said vote shall be counted for or against said amendment in accordance with the expressed will of the elector, as provided by the election laws of the state.

Approved April 24, 1915.

CHAPTER 386—S. F. No. 46.

An Act proposing an amendment to Section seven (7), Article six (6) of the constitution of the State of Minnesota, changing the length of the term of the judge of the probate court.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That the following amendment of Section 7, Article 6 of the constitution of the State of Minnesota is hereby proposed to the people of the State of Minnesota for their approval or rejection, which section when amended shall read as follows:

Sec. 7. There shall be established in each organized county in the state a probate court which shall be a court of record, and be held at such times and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of four years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdic-