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Report of Special Committee on Revision of the Constitution of the State of Minnesota

Minn. L. Rev. Editorial Board

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tion are able to receive assurances that adequate financial support will be made available to do a complete and satisfactory job of revising the State Banking Laws, and that in said work the Committee of this Association will have the full co-operation of the Banking Department and the State Bankers' Association, any thought of a complete revision of the State Banking Laws by the State Bar Association be abandoned.

Report

The question of revision of the State Banking Laws has received the attention of previous committees and considerable work has been done by such committees.

Your committee has felt that it would be useless for it to engage upon this work unless two objectives could be obtained: First, that the revision would be complete, and not merely an editing job. This would involve consideration of possibly recommending substantive changes in the Banking Laws of the State. Second, that the committee should have the cooperation of the Banking Department of the State of Minnesota and the State Banking Association, to the end that when a revision of the Banking Laws of the State are presented to the State Bar Association it will carry with it the approval of the Banking Department and the State Bankers Association, and, if approved by the Bar Association when presented to the Legislature, will have the approval of all three bodies. It was felt that any other approach would simply result in a tremendous amount of work without much hope of accomplishing any good.

In line with the conclusions arrived at by previous committees of the State Bar Association, it has been estimated that to completely rewrite the Banking Laws of the State would require the employment of someone who could devote all or substantially all of his time to this subject, and that the total cost would run between \$5,000 and \$6,000. Unfortunately, from such inquiries as your committee has been able to make, no one seems interested in advancing this sum of money for the purpose indicated. For this reason your committee makes the foregoing recommendations.

Respectfully submitted,

W. H. OPPENHEIMER, Chairman
 W. R. RUMBLE
 L. O. LANGER
 J. COLMAN
 H. S. NELSON
 A. E. WHEELER
 LEWIS L. ANDERSON

REPORT OF SPECIAL COMMITTEE ON REVISION OF THE CONSTITUTION OF THE STATE OF MINNESOTA

TO THE MINNESOTA STATE BAR ASSOCIATION:

Your Committee recommends:

Recommendation

Your Committee recommends that a Committee be created on Revision of the State Constitution and that such Committee make a study of the subject, and that it submit a report with

respect thereto with recommendations at the 1950 annual meeting of the Association.

Report

The action taken at the 1948 annual meeting of the Association was as follows:

"At this point the President introduced Associate Justice LeRoy E. Mattson, who explained the work of the Judiciary Committee of the Constitutional Revision Commission. After full discussion from the floor, a motion was adopted to the effect that a special committee be appointed to consider the subject, such committee to have printed the final revised report when available, in the Bench and Bar Magazine, with a notice on the cover calling attention to the report and send a copy of such final revised report to every lawyer in the State with request for comment and suggestions, and further that lawyers be given an opportunity to be heard before the committee."

This action was taken evidently in anticipation of the adoption of an amendment to the State Constitution proposed by Chapter 641, Laws of Minnesota 1947, reading as follows:

"Section 1. Proposed constitutional amendment. The following amendment to the Constitution of the State of Minnesota, Article XIV, Section 2, is hereby proposed to the people of the state for their approval or rejection, which section when amended shall read as follows:

"Sec. 2. Revision of Constitution. Two-thirds of the members elected to each branch of the legislature may provide by law for calling a *convention to revise this Constitution*. 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.

"Sec. 2. Submitted to voters. The proposed amendment shall be submitted to the voters of the state for their approval or rejection at the general election for the year 1948 in the manner provided by law for submission of amendments to the constitution. The ballots used at the election on the proposed amendment shall have printed thereon:

"Shall the Constitution, Article XIV, Section 2, be amended so as to permit two-thirds of the members of each branch of the legislature to provide by law for calling a constitutional convention without submitting the question to a vote of the people?"

Article XIV, Sec. 2, sought to be amended reads as follows:

"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."

This proposed amendment failed of adoption at the general election for the year 1948.

Pursuant to the aforesaid action of the Association, a Special Committee was appointed, consisting of the undersigned. The Committee met on January 3, 1949. At that time the final report of the Constitutional Revision Commission was not available. Information also discloses that there were no funds available with which to print and to send to all the lawyers in the state copies of such report upon release thereof. In addition to this there was the failure of adoption of the proposed Constitutional Amendment. The Committee felt that steps, looking toward furnishing the lawyers of the