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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 2405

May 17, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

February 25, 2010

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Finance

April 15, 2010

Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Rules and Legislative Administration

April 19, 2010

By motion, recalled and re-referred to the Committee on Ways and Means

April 26, 2010

Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Rules and Legislative Administration

May 6, 2010

Committee Recommendation and Adoption of Report:
To Pass as Amended
Read Second Time

A bill for an act

relating to the legislature; proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for temporary successors to members of the legislature called into active military service; providing for implementing statutory language; proposing coding for new law in Minnesota Statutes, chapter 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article IV, section 4, will read:

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. The legislature shall provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member determines that the member is unavailable to perform legislative functions or duties due to being ordered to active duty in the armed services of the United States.

Sec. 2. SUBMISSION TO VOTERS.

The proposed amendment shall be submitted to the people at the 2010 general election. The question submitted shall be:

2.1 "Shall the Minnesota Constitution be amended to require the legislature to enact laws  
 2.2 providing for prompt and temporary succession to the powers and duties of a legislator  
 2.3 who is ordered to active duty in the armed forces of the United States?

2.4 Yes .....  
 2.5 No ....."

2.6 **Sec. 3. [3.025] TEMPORARY SUCCESSOR; SELECTIONS; DEFINITIONS.**

2.7 (a) In accordance with article IV, section 4, of the Minnesota Constitution, for each  
 2.8 legislator who is ordered to active duty in the armed services of the United States, a  
 2.9 designee shall be selected to act as a temporary successor to the legislator's powers and  
 2.10 duties during the period the legislator is on active duty.

2.11 (b) Each person designated to serve as a temporary successor for a legislator must  
 2.12 have the qualifications and eligibility to serve as a member of the legislature from the  
 2.13 district of the legislator for whom the person has been designated.

2.14 (c)(1) Each legislator who may be ordered to active duty in the armed services of the  
 2.15 United States shall submit in writing to the presiding officer of the house of the legislature  
 2.16 of which the person is a member, or to the minority leader of that house if the person is  
 2.17 a member of the minority caucus, the names and contact information of at least three  
 2.18 qualified nominees to be the legislator's temporary successor.

2.19 (2) A legislator who is notified that the legislator is being ordered to active duty in  
 2.20 the armed services shall immediately notify the presiding officer or minority leader, as  
 2.21 applicable, of the legislator's house of the legislature in writing of the time period the  
 2.22 legislator anticipates being unavailable to perform the powers and duties of the legislator's  
 2.23 office.

2.24 (3) Upon written notification from a legislator that the legislator has been ordered to  
 2.25 active duty and that the legislator has determined that the legislator will be unavailable to  
 2.26 perform the powers and duties of the legislator's office, the appropriate presiding officer,  
 2.27 or minority leader if the legislator is a member of the minority caucus, shall immediately  
 2.28 designate a temporary successor from the list of qualified nominees submitted by the  
 2.29 legislator. The presiding officer or minority leader shall immediately notify each member  
 2.30 of that legislator's house of the legislature of the name of the person designated to serve  
 2.31 as a temporary successor.

2.32 (d) All constitutional and statutory provisions pertaining to the discipline and  
 2.33 expulsion of a legislator shall be applicable to a temporary successor.

3.1 (e) If a temporary successor is unable to serve for any reason, the appropriate  
3.2 presiding officer or minority leader shall designate a different person to serve from the list  
3.3 of qualified nominees submitted by the legislator.

3.4 (f) For purposes of this section, "armed services" means the armed forces of the  
3.5 United States as defined by United States Code, title 10, section 101(a)(4), including  
3.6 reserve components of the armed forces, the Army National Guard, and the Air National  
3.7 Guard.

3.8 **Sec. 4. [3.026] ASSUMPTION OF POWERS AND DUTIES OF LEGISLATOR**  
3.9 **BY TEMPORARY SUCCESSOR.**

3.10 A temporary successor shall exercise the powers and assume the duties of the  
3.11 legislator from the date the legislator reports to active duty until the legislator notifies the  
3.12 presiding officer or minority leader of the legislator's house of the legislature in writing of  
3.13 the date that the legislator can exercise the powers and duties of the legislator's office.  
3.14 However, no temporary successor shall serve in such capacity beyond the end of the term  
3.15 of office of the legislator for whom the successor is designated.

3.16 **Sec. 5. [3.027] PRIVILEGES, IMMUNITIES, AND COMPENSATION OF**  
3.17 **TEMPORARY SUCCESSORS; COMPENSATION OF LEGISLATOR.**

3.18 (a) During the time period a temporary successor exercises the powers and assumes  
3.19 the duties of a legislator, the successor shall be accorded the privileges, immunities, and  
3.20 compensation to which a legislator is entitled.

3.21 (b) During the time period a temporary successor is exercising the powers and duties  
3.22 of a legislator on active duty, the legislator on active duty shall not be entitled to the  
3.23 legislator's salary or other compensation. However, the allowances for the district office  
3.24 of the legislator and the provisions for the legislator's legislative assistant or assistants  
3.25 shall continue in a manner provided by law and the rules of procedure of the legislator's  
3.26 house of the legislature.

3.27 **Sec. 6. EFFECTIVE DATE.**

3.28 Sections 3, 4, and 5 are effective on adoption of the amendment to the Minnesota  
3.29 Constitution proposed to the people in section 1.