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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3337

March 4, 2010

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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

1.1A bill for an act

1.2proposing an amendment to the Minnesota Constitution; providing for a

1.3unicameral legislature; changing article IV; article VIII, sections 1 and 6;

1.4article IX, sections 1 and 2; and article XI, section 5; providing by statute for a

1.5legislature of 99 members; amending Minnesota Statutes 2008, sections 2.021;

1.62.031, subdivision 1.

1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8Section 1. **CONSTITUTIONAL AMENDMENTS PROPOSED.**

1.9An amendment to the Minnesota Constitution is proposed to the people. If the

1.10amendment is adopted, article IV, will read:

1.11Section 1. The legislature consists of the ~~senate and~~ house of representatives.

1.12Sec. 2. The number of members who compose the ~~senate and~~ house of representatives

1.13shall be prescribed by law. The representation ~~in both houses~~ shall be apportioned equally

1.14throughout the different sections of the state in proportion to the population thereof.

1.15Sec. 3. At its first session after each enumeration of the inhabitants of this state made

1.16by the authority of the United States, the ~~legislature~~ house of representatives shall have

1.17the power to prescribe the bounds of congressional and legislative districts. ~~Senators~~

1.18Representatives shall be chosen by single districts of convenient contiguous territory. ~~No~~

1.19~~representative district shall be divided in the formation of a senate district. The senate~~

1.20~~house of representatives~~ districts shall be numbered in a regular series.

1.21Sec. 4. Representatives ~~shall be chosen for a term of two years, except to fill a vacancy.~~

1.22~~Senators~~ shall be chosen for a term of four years, except to fill a vacancy ~~and except there~~

1.23~~shall be an entire new election of all the senators at the first election of representatives~~

1.24~~after each new legislative apportionment provided for in this article. The governor shall~~

1.25call elections to fill vacancies in ~~either house of the legislature~~ house of representatives.

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

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

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

2.15 Sec. 8. Each member and officer of the ~~legislature~~ house of representatives before
2.16 entering upon his duties shall take an oath or affirmation to support the Constitution of the
2.17 United States, the constitution of this state, and to discharge faithfully the duties of his
2.18 office to the best of his judgment and ability.

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

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

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

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

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

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

3.7 Sec. 14. ~~Each~~ The house of representatives shall be open to the public during its
3.8 sessions except in cases which in its opinion require secrecy.

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

3.13 Sec. 16. In all elections by the ~~legislature~~ house of representatives members shall vote
3.14 viva voce and their votes shall be entered in the journal.

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

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

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

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

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

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

3.34 Sec. 23. Every bill passed in conformity to the rules of ~~each house and the joint rules~~
3.35 ~~of the two houses~~ house of representatives shall be presented to the governor. If he
3.36 approves a bill, he shall sign it, deposit it in the office of the secretary of state and notify

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

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

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

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

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

4.35 article VIII, section 1, will read:

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~~ house of representatives. When sitting for that purpose, ~~senators~~ representatives 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~~ representatives present.

article VIII, section 6, will read:

Sec. 6. A member of the ~~senate or the~~ house of representatives, an executive officer of the state identified in section 1 of article V of the constitution, or a judge of the supreme court, the court of appeals, or a district court is subject to recall from office by the voters. The grounds for recall of a judge shall be established by the supreme court. The grounds for recall of an officer other than a judge are serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime. A petition for recall must set forth the specific conduct that may warrant recall. A petition may not be issued until the supreme court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A petition must be signed by a number of eligible voters who reside in the district where the officer serves and who number not less than 25 percent of the number of votes cast for the office at the most recent general election. Upon a determination by the secretary of state that a petition has been signed by at least the minimum number of eligible voters, a recall election must be conducted in the manner provided by law. A recall election may not occur less than six months before the end of the officer's term. An officer who is removed from office by a recall election or who resigns from office after a petition for recall issues may not be appointed to fill the vacancy that is created.

article IX, section 1, will read:

Section 1. ~~A majority~~ Sixty percent of the members elected to ~~each the~~ the house of ~~the legislature~~ representatives 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~~ 60 percent of all the electors voting ~~at the election~~ on the amendment 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.

article IX, section 2, will read:

Sec. 2. Two-thirds of the members elected to ~~each the~~ the house of ~~the legislature~~ representatives may submit to the electors at the next general election the question of calling a convention to revise this constitution. If ~~a majority~~ 60 percent of all the electors

voting at the election vote for a convention, the ~~legislature~~ house of representatives 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.

article XI, section 5, will read:

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~~ the house of ~~the legislature~~ representatives;

(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.

EFFECTIVE DATE. If the amendment is adopted, it is effective for members of the legislature whose terms begin the first Monday in January 2013.

Sec. 2. **SUBMISSION TO VOTERS.**

7.1 The proposed amendment must be submitted to the people at the 2010 general
7.2 election. The question submitted must be:

7.3 "Shall the Minnesota Constitution be amended to provide that the Minnesota House
7.4 of Representatives and Senate be combined and a single legislative body be created,
7.5 beginning in 2013?"

7.6 Yes

7.7 No"

7.8 Sec. 3. Minnesota Statutes 2008, section 2.021, is amended to read:

7.9 **2.021 NUMBER OF MEMBERS.**

7.10 ~~For each legislature, until a new apportionment shall have been made, the senate~~
7.11 ~~is composed of 67 members and~~ The house of representatives is composed of ~~134~~ 99
7.12 members.

7.13 Sec. 4. Minnesota Statutes 2008, section 2.031, subdivision 1, is amended to read:

7.14 Subdivision 1. **Legislative districts.** The representatives in the senate and house
7.15 of representatives are apportioned throughout the state in ~~67 senate districts and 134~~ 99
7.16 house of representatives districts. Each ~~senate district is entitled to elect one senator and~~
7.17 ~~each~~ house of representatives district is entitled to elect one representative.

7.18 **Sec. 5. EFFECTIVE DATE.**

7.19 If the amendment proposed in section 1 is adopted, sections 3 and 4 shall be effective
7.20 for members of the legislature whose terms begin the first Monday in January 2013.