S.F. No. 140, as introduced - 87th Legislative Session (2011-2012) [11-0549]

SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

A bill for an act

S.F. No. 140

(SENATE AUTHORS: REINERT)

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DATE D-PG OFFICIAL STATUS 01/27/2011 Introduction and first reading Referred to State Government Innovation and Veterans 119

1.2	relating to the legislature; proposing an amendment to the Minnesota
1.3 1.4	Constitution, article IV, section 4; providing for temporary successors to members of the legislature called into active military service; providing for
1.5	implementing statutory language; proposing coding for new law in Minnesota
1.6	Statutes, chapter 3.
1.7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.8	Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.
1.9	An amendment to the Minnesota Constitution is proposed to the people. If the
1.10	amendment is adopted, article IV, section 4, will read:
1.11	Sec. 4. Representatives shall be chosen for a term of two years, except to fill a vacancy.
1.12	Senators shall be chosen for a term of four years, except to fill a vacancy and except there
1.13	shall be an entire new election of all the senators at the first election of representatives after
1.14	each new legislative apportionment provided for in this article. The governor shall call
1.15	elections to fill vacancies in either house of the legislature. The legislature shall provide
1.16	by law for the prompt and temporary succession to the powers and duties of a member of
1.17	the legislature if the incumbent member is unavailable to perform legislative functions or
1.18	duties due to being ordered to active duty in the armed services of the United States.
1.19	Sec. 2. SUBMISSION TO VOTERS.
1.20	The proposed amendment shall be submitted to the people at the 2012 general
1.21	election. The question submitted shall be:

Sec. 2. 1

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	"Shall the Minnesota Constitution be amended to authorize the legislature to enact
	laws providing for prompt and temporary succession to the powers and duties of a
	legislator who is ordered to active duty in the armed forces of the United States?
	<u>Yes</u>
	<u>No"</u>
	Sec. 3. [3.025] TEMPORARY SUCCESSOR; SELECTIONS; DEFINITIONS.
	(a) In accordance with article IV, section 4, of the Minnesota Constitution, for each
	legislator who is ordered to active duty in the armed services of the United States, a
	designee shall be selected to act as a temporary successor to the legislator's powers and
	duties during the period the legislator is on active duty.
	(b) Each person designated to serve as a temporary successor for a legislator must
	have the qualifications and eligibility to serve as a member of the legislature from the
	district of the legislator for whom the person has been designated.
	(c)(1) Each legislator who may be ordered to active duty in the armed services of the
	United States shall submit in writing to the presiding officer of the house of the legislature
(of which the person is a member the names and contact information of at least three
	qualified nominees to be the legislator's temporary successor.
	(2) A legislator who is notified that the legislator is being ordered to active duty in
1	the armed services shall immediately notify the presiding officer of the legislator's house
-	of the legislature of the time period the legislator anticipates being unavailable to perform
1	the powers and duties of the legislator's office.
	(3) Upon notification that a legislator has been ordered to active duty, the appropriate
	presiding officer shall immediately designate a temporary successor from the list of
•	qualified nominees submitted by the legislator. The presiding officer shall immediately
	notify each member of that legislator's house of the legislature of the name of the person
	designated to serve as a temporary successor.
	(d) A temporary successor shall serve at the pleasure of the house of the legislature
	of which the person is a temporary member, and all constitutional and statutory provisions
	pertaining to the discipline and expulsion of a legislator shall be applicable to a temporary
	successor.
	(e) If a temporary successor is unable to serve for any reason, the appropriate
	presiding officer shall designate a different person to serve from the list of qualified
	nominees submitted by the legislator.
	(f) For purposes of this section, "armed services" means the armed forces of the
	United States as defined by United States Code, title 10, section 101(a)(4), including

Sec. 3. 2

S.F. No. 140, as introduced - 87th Legislative Session (2	2011-2012)	[11-0549]
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3.1	reserved comp	onents of the	armed for	orces, tl	he Army	National	Guard,	and the	Air N	ational
3.2	Guard.				-					

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

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

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

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

Sec. 6. **EFFECTIVE DATE.**

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Sections 3, 4, and 5 are effective on adoption of the amendment to the Minnesota

Constitution proposed to the people in section 1.

Sec. 6. 3