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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1363

02/22/2021

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The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 proposing an amendment to the Minnesota Constitution, article V, section 5;
1.3 changing the process for filling a vacancy in the office of lieutenant governor.

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

1.5 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.6 An amendment to the Minnesota Constitution is proposed to the people. If the amendment
1.7 is adopted, article V, section 5, will read:

1.8 Sec. 5. In case a vacancy occurs from any cause whatever in the office of governor, the
1.9 lieutenant governor shall be governor during such vacancy. The compensation of the
1.10 lieutenant governor shall be prescribed by law. ~~The last elected presiding officer~~ If a vacancy
1.11 occurs in the office of lieutenant governor, the governor, with the advice and consent of the
1.12 senate and the house of representatives, shall appoint a person to become lieutenant governor
1.13 in case a vacancy occurs in that office. The governor must make the appointment within 30
1.14 days after the vacancy occurs, and the senate and house of representatives must act on the
1.15 appointment within 30 days after the appointment is made. If the legislature will not be in
1.16 session at any point in time during the 30 days provided, the governor must call the legislature
1.17 into a special session, unless the legislature has taken action on the appointment. The special
1.18 session is limited to taking action on the appointment, and the legislature may not meet in
1.19 the special session called for this purpose more than 30 days following the governor's
1.20 appointment. If the governor appoints a member of the legislature to serve as lieutenant
1.21 governor, the member must resign the member's legislative office upon acceptance of the
1.22 governor's appointment. In case the governor is unable to discharge the powers and duties
1.23 of his office, the same devolves on the lieutenant governor. The legislature may provide by

2.1 law for the case of the removal, death, resignation, or inability both of the governor and
 2.2 lieutenant governor to discharge the duties of governor and may provide by law for continuity
 2.3 of government in periods of emergency resulting from disasters caused by enemy attack in
 2.4 this state, including but not limited to, succession to the powers and duties of public office
 2.5 and change of the seat of government.

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

2.7 (a) The proposed amendment must be submitted to the people at the 2022 general election.

2.8 The question submitted must be:

2.9 "Shall the Minnesota Constitution be amended to require the governor to appoint, with
 2.10 the consent of the senate and the house of representatives, a person to fill a vacancy in the
 2.11 office of lieutenant governor?"

2.12 Yes
 2.13 No "

2.14 (b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the
 2.15 question submitted to the people under paragraph (a) shall be: "Filling a Vacancy for
 2.16 Lieutenant Governor by Governor's Appointment."