

**SENATE
STATE OF MINNESOTA
SPECIAL SESSION**

S.F. No. 61

(SENATE AUTHORS: GAZELKA)

DATE
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Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act
1.2 proposing an amendment to the Minnesota Constitution article V, section 3;
1.3 requiring legislative approval for any extension of an emergency declared by the
1.4 governor beyond 30 days.

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

1.6 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.7 An amendment to the Minnesota Constitution is proposed to the people. If the amendment
1.8 is adopted, article V, section 3, will read:

1.9 Sec. 3. The governor shall communicate by message to each session of the legislature
1.10 information touching the state and country. He is commander-in-chief of the military and
1.11 naval forces and may call them out to execute the laws, suppress insurrection and repel
1.12 invasion. He may require the opinion in writing of the principal officer in each of the
1.13 executive departments upon any subject relating to his duties. With the advice and consent
1.14 of the senate he may appoint notaries public and other officers provided by law. He may
1.15 appoint commissioners to take the acknowledgment of deeds or other instruments in writing
1.16 to be used in the state. He shall take care that the laws be faithfully executed. He shall fill
1.17 any vacancy that may occur in the offices of secretary of state, auditor, attorney general and
1.18 the other state and district offices hereafter created by law until the end of the term for which
1.19 the person who had vacated the office was elected or the first Monday in January following
1.20 the next general election, whichever is sooner, and until a successor is chosen and qualified.

1.21 Any law authorizing the governor to suspend or modify an existing law by declaring an
1.22 emergency is subject to the requirements of this section for the emergency declaration. The
1.23 governor may declare an emergency that lasts no more than 30 days, unless an extension

2.1 is authorized by the legislature. Before the emergency lapses, the legislature may authorize
 2.2 the governor to continue the emergency declaration if the governor requests the emergency
 2.3 declaration continue beyond the date the original declaration lapses. Notwithstanding article
 2.4 IV, section 12, if the legislature is not in session at any time an emergency is declared or
 2.5 in effect, the legislature may convene in special session upon a request by the president and
 2.6 majority leader of the senate and the speaker and majority leader of the house of
 2.7 representatives, with a majority vote of the committee with jurisdiction over legislative
 2.8 rules in each house. Both houses of the legislature may approve by a majority vote a
 2.9 continuation of the governor's emergency declaration for up to 30 days. If a majority vote
 2.10 by either house rejects continuation of a declared emergency, the emergency declaration
 2.11 ends when the declared emergency lapses. In order to extend the emergency declaration,
 2.12 both houses must approve the continuation of the emergency declaration for up to 30 days
 2.13 following each legislative approval. If a majority vote by either house declines to approve
 2.14 a request for an additional authorization, the emergency declaration ends at the end of the
 2.15 extension currently in effect.

2.16 The governor is prohibited from allowing a peacetime emergency declaration to expire
 2.17 and declaring a new peacetime emergency for the same emergency in an effort to avoid
 2.18 obtaining legislative approval for an extension of a peacetime emergency. Any executive
 2.19 order issued pursuant to a declaration of an emergency must be approved by the committee
 2.20 with jurisdiction over legislative rules in each house.

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

2.22 The proposed amendment must be submitted to the people at the 2022 general election.
 2.23 If ratified, the amendment is effective January 1, 2023. The question submitted must be:

2.24 "Shall the Minnesota Constitution be amended to require legislative approval for any
 2.25 extension of an emergency declared by the governor beyond 30 days and legislative oversight
 2.26 of emergency orders?

2.27 Yes
 2.28 No "