

Senator Susan Kent

Senate DFL Leader
District 53
Minnesota Senate Building
95 University Ave. W.
St. Paul, MN 55155



Senate

State of Minnesota

April 18, 2020

Senator Paul Gazelka
Minnesota Senate Building 3113
95 University Avenue
St. Paul, MN 55155

Dear Senator Gazelka:

I have appreciated our partnership during this unprecedented time, which has posed challenges to our communities, our members and staff, and to the way the legislature operates.

Furthermore, you and I share a mutual, deep respect for the rules, customs, and traditions of the Minnesota Senate. We also share a respect for the manner in which we conduct the business of the Minnesota Senate, and the legislature as a whole. It is out of this mutual respect for our work that I respond to your decision that the Senate move forward under what you have described as the "new normal."

We must balance our obligations to do the work of the people of Minnesota with our obligations to do our part to protect public health. In moving forward for the remainder of the 2020 legislative session, you have outlined dual expectations. First, that we will meet as a body, in person, in the Senate Chamber two times a week. Second, committees will operate under regular order yet remotely. These expectations likewise raise two areas of concern for the Senate DFL Caucus.

First, in the process of returning to regular order including bill introductions, committee hearings, and floor sessions, I trust certain rules and traditions will be adhered to in a consistent manner. To that end, we expect you, members of the body, and committee chairs to abide by the following in accordance with the Temporary Rules of the Senate:

- Every bill, memorial, order resolution or vote requiring the approval of the Governor must be reported to the Senate on three different days before its passage unless otherwise waived by the body
- A bill may not be considered by a committee on the day it is introduced



- A bill or resolution may not be referred to committee or amended until it has been given its first reading
- All resolutions that are required to follow the same procedure as bills must be referred before passage to the Committee on Rules and Administration
- The committees on Taxes and on Finance must hold hearings as necessary to determine state revenues and appropriations for the fiscal biennium
- All meetings of the Senate, its committees, and subcommittees are open to the public
- Members have the ability to offer amendments to bills in the committees to which they serve when the bill is being heard
- A committee or subcommittee shall announce each meeting to the public at least three calendar days before convening. The notice must state the name of the committee or subcommittee, the bill or bills to be considered, and how the public may interact, follow, or testify
- A rule may be suspended by a vote of at least two-thirds of the whole Senate
- Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and the Senate rules
- Every proposition to amend a rule of the Senate must be referred to the Committee on Rules and Administration

Unfortunately, as you know, some of these Senate rules have not been followed since you announced your new plan. I have reported to you on multiple occasions of committee agendas being posted near or within 24 hours of the hearing. I have also shared occasions where committee agendas are not being managed to allow a fair presentation of public testimony or member questions. We have been told that these expectations are being communicated with committee chairs, yet committee chairs are telling our members something else. For the sake of the regular order you are asserting, and most importantly for the transparency and public involvement in this process we both fight for, Senate rules and traditions must be upheld. Please let us know how we can assist in ensuring these rules are adhered to by all members as we move forward.

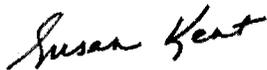
The second area of concern pertains specifically to floor sessions in the Senate Chamber. You and I must act with the recognition that we are responsible for leading our fellow Senators – and protecting all members and staff – under unprecedented circumstances. As Majority Leader, you have determined the schedule and the format for how we will do our work. I have been open with you privately and on the public record that I have serious concerns about your plan for us to have frequent floor sessions. As we proceed under your plan and schedule, we must ensure the safety of the public, staff, and our members. And as we transition to regular order, with amendments and debate, we must also ensure Senate rules are followed.

- Under current Senate protocols, a limited number of Senators are seated on the Senate floor. Representation on the Senate floor should be substantially in proportion to their numbers in the Senate, noting that the current proportions are 52% GOP members and 48% DFL. During the past several floor sessions, there have been eight GOP Senators and five DFL Senators seated on the floor, or 62% and 38%. We request that for future floor sessions there be seven GOP Senators and six DFL Senators seated on the Senate floor for proceedings.

- Additionally, we ask that you instruct staff to have the Department of Health conduct a current review of the protocols we have been following during floor sessions to confirm we are in compliance with CDC and MDH guidelines. I appreciate that MDH initially approved the protocols before we first implemented them, but public health experts have learned a considerable amount of information about the coronavirus and its transmission since this situation began, and a reassessment would be wise.
- Furthermore, we trust that your highest priority is the health and safety of both legislators and staff and our role in spreading the disease among our communities. Consequently, Senate floor sessions should only be called when the work being conducted is of the highest priority and relevant.

I respectfully ask that you respond in a timely fashion so that we may communicate to all members of the Senate the parameters we are working within and that the work of the Senate will be done in an efficient, transparent, and safe manner.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kent".

Susan Kent
Senate DFL Leader
State Senator, District 53