

## PROTEST AND DISSENT

Pursuant to Article IV, Section 11 of the Minnesota Constitution, we the undersigned members register our protest and dissent regarding the numerous violations by the Republican Majority of House Rules, Joint Rules, and the custom and usage of the House. These violations have occurred during the 2017 legislative session and especially regarding the conference committee reports for the various budget bills that were re-passed by the House from May 9-15, and subsequently vetoed by Gov. Dayton. What these violations have in common is that they defy the democratic ideals of transparency, the right of the Minority to express dissent, and the opportunity for debate.

1. At least five conference committees on omnibus bills (Environment & Natural Resources, E-12, Transportation, Agriculture, and Health & Human Services) never voted or took any other public action to adopt the conference committee report. This is a violation of Joint Rule 2.06, which requires that actions taken by conference committees "shall be agreed upon in an open meeting." With respect to one of the reports (Omnibus Environment), the amended bill had even been laid on the table at the last public meeting, with no further public action taken. Neither this bill nor none of the others cited was adopted in an open meeting.
2. Some conference committees on omnibus bills (e.g., Health & Human Services) refused to allow public testimony, including by representatives of state agencies directly affected by the relevant bill. This is a violation of Joint Rule 2.06 and the custom and usage of the House. Joint Rule 2.06 requires that all conference committees be open to the public.
3. Multiple conference committee reports on omnibus bills included provisions that had not been passed by either body. This is a violation of House Rule 6.40 which states, "A conference committee report must include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House or Senate."
4. The decision by the Speaker and the House Majority to install a mute button for the House Chambers, and retain this mute button when asked by the Minority to remove it, is a violation of House Rules and Mason's Manual of Legislative Procedure, as well as custom and usage for the House. House Rule 2.15 requires that "Proceedings on the floor of the House must be recorded on an appropriate audio recording medium under the direction of the Chief Clerk." Further, House Rule 2.32 requires every member wishing to speak on a subject shall have an opportunity to do so. Further, Mason's Ch. 10, Sec. 90 provides:

*Debate is an essential feature of a legislative body... Members have the right to try to persuade the majority to accept their views, and there can be no legal wrong from such an attempt. (2) It is a fundamental rule of parliamentary practice governing all deliberative assemblies that the opportunity to deliberate – and, if possible convince their fellows – is the right of the minority, which they cannot be deprived of by the arbitrary will of the majority.*

The mute button is an egregious violation of custom and usage for the House, as this body has never authorized the presiding officer to silence members in this manner in the 80 years since an audio system was installed for the House chambers.

5. Numerous decisions by the Speaker that amendments offered by the Minority party are non-germane and out-of-order violate House Rule 3.21. This rule provides that an amendment is germane if it relates to the same subject matter as the underlying bill, and a secondary amendment is germane if it relates only to the primary amendment and does not introduce a new subject. For example, on April 6, in connection with consideration of the Omnibus Jobs & Energy bill (S.F. 1937), Rep. Schultz offered an amendment which

called upon the PUB to consider "the costs of air emissions and water degradation" when evaluating long-term resource plans from electric utilities. Rep. Hornstein offered a secondary amendment under which the Legislature would have recognized the reality of climate change, as context for this directive to the PUC. The Speaker ruled that this secondary amendment was not germane, even though it clearly related to the primary amendment and introduced no new subject. This stands in stark contrast to the Speaker's treatment of amendments offered by the Majority, which have been regularly ruled germane, despite being unrelated to the underlying bill or amendment.

On the basis of the foregoing reasons, we the undersigned Members of the House of Representatives state their strong disagreement with Speaker Dautt and the Republican Majority for having engaged in numerous, flagrant and ongoing violations of House Rules, Joint Rules, Mason's, and the custom and usage of the House.

Signed:

DAVE PINTO	CHERYL YOUAKIM
RENA MORAN	CARLOS MARIANI
RAYMOND DEHN	JIM DAVNIE
ILHAN OMAR	ANDRÉW CARLSON
PEGGY FLANAGAN	MIKE FREIBERG
CONNIE BERNARDY	PETER FISCHER
LAURIE HALVERSON	SHELDON JOHNSON
ERIN MAYE QUADE	SANDRA MASIN
FUE LEE	CLARK JOHNSON
JOANN WARD	LAURIE PRYOR
MELISSA HORTMAN	JON APPLEBAUM
ERIN MURPHY	RICK HANSEN
FRANK HORNSTEIN	DAVID BLY
TINA LIEBLING	ERIN KOEGEL
PAUL ROSENTHAL	JULIE SANDSTEDTE
DIANE LOEFFLER	LINDA SLOCUM
SUSAN ALLEN	MIKE SUNDIN
JEAN WAGENIUS	JOHN CONSIDINE
LYNDON CARLSON	BEN LIEN
ROB ECKLUND	

#### ADJOURNMENT

Peppin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, February 20, 2018.

PATRICK D. MURPHY, Chief Clerk, House of Representatives